



366026

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2015	.	
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The Committee on Fiscal Policy (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The Division of Law Revision and Information is directed to add ss. 744.1096-744.1098, Florida Statutes, created by this act, to part I of chapter 744, Florida Statutes.

Section 2. The Division of Law Revision and Information is directed to retitle part II of chapter 744, Florida Statutes, consisting of ss. 744.2001-744.2109, Florida Statutes, as "PUBLIC AND PROFESSIONAL GUARDIANS."



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12 Section 3. The Division of Law Revision and Information is
13 directed to remove part IX of chapter 744, Florida Statutes.

14 Section 4. Section 744.1012, Florida Statutes, is amended
15 to read:

16 744.1012 Legislative intent.—The Legislature finds:

17 (1) That adjudicating a person totally incapacitated and in
18 need of a guardian deprives such person of all her or his civil
19 and legal rights and that such deprivation may be unnecessary.

20 (2) ~~The Legislature further finds~~ That it is desirable to
21 make available the least restrictive form of guardianship to
22 assist persons who are only partially incapable of caring for
23 their needs and that alternatives to guardianship and less
24 intrusive means of assistance should always be explored,
25 including, but not limited to, guardian advocates, before an
26 individual's rights are removed through an adjudication of
27 incapacity.

28 (3) By recognizing that every individual has unique needs
29 and differing abilities, the Legislature declares that it is the
30 purpose of this act to promote the public welfare by
31 establishing a system that permits incapacitated persons to
32 participate as fully as possible in all decisions affecting
33 them; that assists such persons in meeting the essential
34 requirements for their physical health and safety, in protecting
35 their rights, in managing their financial resources, and in
36 developing or regaining their abilities to the maximum extent
37 possible; and that accomplishes these objectives through
38 providing, in each case, the form of assistance that least
39 interferes with the legal capacity of a person to act in her or
40 his own behalf. This act shall be liberally construed to



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41 accomplish this purpose.

42 (4) That private guardianship is inadequate where there is
43 no willing and responsible family member or friend, other
44 person, bank, or corporation available to serve as guardian for
45 an incapacitated person, and such person does not have adequate
46 income or wealth for the compensation of a private guardian.

47 (5) The Legislature intends, through the establishment of
48 the Office of Public and Professional Guardians, to permit the
49 establishment of offices of public guardians for the purpose of
50 providing guardianship services for incapacitated persons when
51 no private guardian is available.

52 (6) That a public guardian be provided only to those
53 persons whose needs cannot be met through less drastic means of
54 intervention.

55 Section 5. Section 744.201, Florida Statutes, is renumbered
56 as section 744.1096, Florida Statutes.

57 Section 6. Section 744.202, Florida Statutes, is renumbered
58 as section 744.1097, Florida Statutes, and subsection (3) of
59 that section is amended to read:

60 744.1097 744.202 Venue.—

61 (3) When the residence of an incapacitated person is
62 changed to another county, the guardian shall petition to have
63 the venue of the guardianship changed to the county of the
64 acquired residence, except as provided in s. 744.1098 ~~s.~~
65 ~~744.2025.~~

66 Section 7. Section 744.2025, Florida Statutes, is
67 renumbered as section 744.1098, Florida Statutes.

68 Section 8. Section 744.7021, Florida Statutes, is
69 renumbered as section 744.2001, Florida Statutes, and amended to



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70 read:

71 744.2001 ~~744.7021~~ ~~Statewide Public Guardianship~~ Office of
72 Public and Professional Guardians.—There is hereby created the
73 ~~Statewide Public Guardianship~~ Office of Public and Professional
74 Guardians within the Department of Elderly Affairs.

75 (1) The Secretary of Elderly Affairs shall appoint the
76 executive director, who shall be the head of the ~~Statewide~~
77 ~~Public Guardianship~~ Office of Public and Professional Guardians.
78 The executive director must be a member of The Florida Bar,
79 knowledgeable of guardianship law and of the social services
80 available to meet the needs of incapacitated persons, shall
81 serve on a full-time basis, and shall personally, or through a
82 representative ~~representatives~~ of the office, carry out the
83 purposes and functions of the ~~Statewide Public Guardianship~~
84 Office of Public and Professional Guardians in accordance with
85 state and federal law. The executive director shall serve at the
86 pleasure of and report to the secretary.

87 (2) The executive director shall, within available
88 resources:—

89 (a) Have oversight responsibilities for all public and
90 professional guardians.

91 (b) Review the standards and criteria for the education,
92 registration, and certification of public and professional
93 guardians in Florida.

94 (3) The executive director's oversight responsibilities of
95 professional guardians shall include, but not be limited to:

96 (a) The development and implementation of a monitoring tool
97 to be used for periodic monitoring activities of professional
98 guardians related to the management of their wards. This



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99 monitoring may not include a financial audit as required by the
100 clerk of the circuit court under s. 744.368.

101 (b) The development of procedures, in consultation with
102 professional guardianship associations, for the review of an
103 allegation that a professional guardian has violated an
104 applicable statute, fiduciary duty, standard of practice, rule,
105 regulation, or other requirement governing the conduct of
106 professional guardians.

107 (c) Establish disciplinary proceedings, conduct hearings,
108 and take administrative action pursuant to chapter 120.

109 (d) Assist the chief judge in each judicial circuit to
110 establish a registry to allow for the appointment of
111 professional guardians in rotating order as provided in s.
112 744.2005.

113 (4) The executive director's oversight responsibilities of
114 public guardians shall include, but not be limited to:

115 (a) The ~~executive director shall~~ review of the current
116 public guardian programs in Florida and other states.

117 (b) The development ~~executive director,~~ in consultation
118 with local guardianship offices, of ~~shall develop~~ statewide
119 performance measures and standards.

120 (c) The ~~executive director shall~~ review of the various
121 methods of funding public guardianship programs, the kinds of
122 services being provided by such programs, and the demographics
123 of the wards. In addition, the executive director shall review
124 and make recommendations regarding the feasibility of recovering
125 a portion or all of the costs of providing public guardianship
126 services from the assets or income of the wards.

127 (d) By January 1 of each year, providing ~~the executive~~



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128 ~~director shall provide~~ a status report and providing ~~provide~~
129 further recommendations to the secretary that address the need
130 for public guardianship services and related issues.

131 (e) In consultation with the Florida State Guardianship
132 Association, the development of a guardianship training program
133 curriculum that may be offered to all guardians, whether public
134 or private.

135 (5) The executive director may provide assistance to local
136 governments or entities in pursuing grant opportunities. The
137 executive director shall review and make recommendations in the
138 annual report on the availability and efficacy of seeking
139 Medicaid matching funds. The executive director shall diligently
140 seek ways to use existing programs and services to meet the
141 needs of public wards.

142 ~~(f) The executive director, in consultation with the~~
143 ~~Florida Guardianship Foundation, shall develop a guardianship~~
144 ~~training program curriculum that may be offered to all guardians~~
145 ~~whether public or private.~~

146 (6) ~~(3)~~ The executive director may conduct or contract for
147 demonstration projects authorized by the Department of Elderly
148 Affairs, within funds appropriated or through gifts, grants, or
149 contributions for such purposes, to determine the feasibility or
150 desirability of new concepts of organization, administration,
151 financing, or service delivery designed to preserve the civil
152 and constitutional rights of persons of marginal or diminished
153 capacity. Any gifts, grants, or contributions for such purposes
154 shall be deposited in the Department of Elderly Affairs
155 Administrative Trust Fund.

156 Section 9. Section 744.1083, Florida Statutes, is



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157 renumbered as section 744.2002, Florida Statutes, subsections
158 (1) through (5) of that section are amended, and subsections (7)
159 and (10) of that section are republished, to read:

160 744.2002 ~~744.1083~~ Professional guardian registration.-

161 (1) A professional guardian must register with the
162 ~~Statewide Public Guardianship~~ Office of Public and Professional
163 Guardians established in part II ~~IX~~ of this chapter.

164 (2) Annual registration shall be made on forms furnished by
165 the ~~Statewide Public Guardianship~~ Office of Public and
166 Professional Guardians and accompanied by the applicable
167 registration fee as determined by rule. The fee may not exceed
168 \$100.

169 (3) Registration must include the following:

170 (a) Sufficient information to identify the professional
171 guardian, as follows:

172 1. If the professional guardian is a natural person, the
173 name, address, date of birth, and employer identification or
174 social security number of the person.

175 2. If the professional guardian is a partnership or
176 association, the name, address, and employer identification
177 number of the entity.

178 (b) Documentation that the bonding and educational
179 requirements of s. 744.2003 ~~s. 744.1085~~ have been met.

180 (c) Sufficient information to distinguish a guardian
181 providing guardianship services as a public guardian,
182 individually, through partnership, corporation, or any other
183 business organization.

184 (4) Prior to registering a professional guardian, the
185 ~~Statewide Public Guardianship~~ Office of Public and Professional



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186 Guardians must receive and review copies of the credit and
187 criminal investigations conducted under s. 744.3135. The credit
188 and criminal investigations must have been completed within the
189 previous 2 years.

190 (5) The executive director of the office may deny
191 registration to a professional guardian if the executive
192 director determines that the guardian's proposed registration,
193 including the guardian's credit or criminal investigations,
194 indicates that registering the professional guardian would
195 violate any provision of this chapter. ~~If a guardian who is~~
196 ~~currently registered with the office violates a provision of~~
197 ~~this chapter, the executive director of the office may suspend~~
198 ~~or revoke the guardian's registration. If the executive director~~
199 ~~denies registration to a professional guardian or suspends or~~
200 ~~revokes a professional guardian's registration, the Statewide~~
201 ~~Public Guardianship Office must send written notification of the~~
202 ~~denial, suspension, or revocation to the chief judge of each~~
203 ~~judicial circuit in which the guardian was serving on the day of~~
204 ~~the office's decision to deny, suspend, or revoke the~~
205 ~~registration.~~

206 (7) A trust company, a state banking corporation or state
207 savings association authorized and qualified to exercise
208 fiduciary powers in this state, or a national banking
209 association or federal savings and loan association authorized
210 and qualified to exercise fiduciary powers in this state, may,
211 but is not required to, register as a professional guardian
212 under this section. If a trust company, state banking
213 corporation, state savings association, national banking
214 association, or federal savings and loan association described



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215 in this subsection elects to register as a professional guardian
216 under this subsection, the requirements of subsections (3) and
217 (4) do not apply and the registration must include only the
218 name, address, and employer identification number of the
219 registrant, the name and address of its registered agent, if
220 any, and the documentation described in paragraph (3)(b).

221 (10) A state college or university or an independent
222 college or university that is located and chartered in Florida,
223 that is accredited by the Commission on Colleges of the Southern
224 Association of Colleges and Schools or the Accrediting Council
225 for Independent Colleges and Schools, and that confers degrees
226 as defined in s. 1005.02(7) may, but is not required to,
227 register as a professional guardian under this section. If a
228 state college or university or independent college or university
229 elects to register as a professional guardian under this
230 subsection, the requirements of subsections (3) and (4) do not
231 apply and the registration must include only the name, address,
232 and employer identification number of the registrant.

233 Section 10. Section 744.1085, Florida Statutes, is
234 renumbered as section 744.2003, Florida Statutes, subsections
235 (3), (6), and (9) of that section are amended, and subsection
236 (8) of that section is republished, to read:

237 744.2003 ~~744.1085~~ Regulation of professional guardians;
238 application; bond required; educational requirements.—

239 (3) Each professional guardian defined in s. 744.102(17)
240 and public guardian must receive a minimum of 40 hours of
241 instruction and training. Each professional guardian must
242 receive a minimum of 16 hours of continuing education every 2
243 calendar years after the year in which the initial 40-hour



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244 educational requirement is met. The instruction and education
245 must be completed through a course approved or offered by the
246 ~~Statewide Public Guardianship Office~~ Office of Public and Professional
247 Guardians. The expenses incurred to satisfy the educational
248 requirements prescribed in this section may not be paid with the
249 assets of any ward. This subsection does not apply to any
250 attorney who is licensed to practice law in this state.

251 (6) ~~After July 1, 2005,~~ Each professional guardian is ~~shall~~
252 ~~be~~ required to demonstrate competency to act as a professional
253 guardian by taking an examination approved by the Department of
254 Elderly Affairs.

255 (a) The Department of Elderly Affairs shall determine the
256 minimum examination score necessary for passage of guardianship
257 examinations.

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

260 (c) The Department of Elderly Affairs or its contractor
261 shall charge an examination fee for the actual costs of the
262 development and the administration of the examination. The fee
263 for registration and certification of a professional guardian
264 may ~~to~~ not exceed \$500.

265 (d) The Department of Elderly Affairs may recognize passage
266 of a national guardianship examination in lieu of all or part of
267 the examination approved by the Department of Elderly Affairs,
268 except that all professional guardians must take and pass an
269 approved examination section related to Florida law and
270 procedure.

271 (8) The Department of Elderly Affairs shall waive the
272 examination requirement in subsection (6) if a professional



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273 guardian can provide:

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

276 (b) A letter from a circuit judge before whom the
277 professional guardian practiced at least 1 year which states
278 that the professional guardian had demonstrated to the court
279 competency as a professional guardian.

280 (9) ~~After July 1, 2004,~~ The court may ~~shall~~ not appoint any
281 professional guardian who has not met the requirements of this
282 section and s. 744.2002 ~~s. 744.1083~~.

283 Section 11. Section 744.2004, Florida Statutes, is created
284 to read:

285 744.2004 Complaints; disciplinary proceedings; penalties;
286 enforcement.-

287 (1) The Office of Public and Professional Guardians shall
288 adopt rules to:

289 (a) Review, and if determined appropriate, investigate an
290 allegation that a professional guardian has violated an
291 applicable statute, fiduciary duty, standard of practice, rule,
292 regulation, or other requirement governing the conduct of
293 professional guardians.

294 (b) Establish disciplinary proceedings, conduct hearings,
295 and take administrative action pursuant to chapter 120.
296 Disciplinary actions include, but are not limited to, requiring
297 a professional guardian to participate in additional educational
298 courses provided by the Office of Public and Professional
299 Guardians, imposing additional monitoring by the office of the
300 guardianships to which the professional guardian is appointed,
301 and suspension or revocation of a professional guardian's



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302 registration.

303 (2) If the office makes a final determination to suspend or
304 revoke the professional guardian's registration, it must provide
305 the determination to the court of competent jurisdiction for any
306 guardianship case to which the professional guardian is
307 currently appointed.

308 Section 12. Section 744.344, Florida Statutes, is
309 renumbered as section 744.2005, Florida Statutes, and amended to
310 read:

311 744.2005 744.344 Order of appointment.-

312 (1) A professional guardian appointed by the court to
313 provide representation of a ward shall be selected from a
314 registry of professional guardians.

315 (2) In using a registry:

316 (a) The chief judge of the judicial circuit shall compile a
317 list of professional guardians by county and provide the list to
318 the clerk of court in each county. To be included on a registry,
319 the professional guardian must be certified by the Office of
320 Public and Professional Guardians.

321 (b) The court shall appoint professional guardians in the
322 order in which the names appear on the applicable registry,
323 unless the court makes a finding of good cause on the record for
324 appointment of a professional guardian out of order. The clerk
325 of the court shall maintain the registry and provide to the
326 court the name of the professional guardian for appointment. A
327 professional guardian not appointed in the order in which her or
328 his name appears on the list shall remain next in order.

329 (3)~~(1)~~ The court may hear testimony on the question of who
330 is entitled to preference in the appointment of a guardian. Any



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331 interested person may intervene in the proceedings.

332 (4) The order appointing a guardian must state the nature
333 of the guardianship as either plenary or limited. If limited,
334 the order must state that the guardian may exercise only those
335 delegable rights which have been removed from the incapacitated
336 person and specifically delegated to the guardian. The order
337 shall state the specific powers and duties of the guardian.

338 (5)~~(2)~~ The order appointing a guardian must be consistent
339 with the incapacitated person's welfare and safety, must be the
340 least restrictive appropriate alternative, and must reserve to
341 the incapacitated person the right to make decisions in all
342 matters commensurate with the person's ability to do so.

343 (6)~~(3)~~ If a petition for appointment of guardian has been
344 filed, an order appointing a guardian must be issued
345 contemporaneously with the order adjudicating the person
346 incapacitated. The order must specify the amount of the bond to
347 be given by the guardian and must state specifically whether the
348 guardian must place all, or part, of the property of the ward in
349 a restricted account in a financial institution designated
350 pursuant to s. 69.031.

351 (7)~~(4)~~ If a petition for the appointment of a guardian has
352 not been filed at the time of the hearing on the petition to
353 determine capacity, the court may appoint an emergency temporary
354 guardian in the manner and for the purposes specified in s.
355 744.3031.

356 (8)~~(5)~~ A plenary guardian shall exercise all delegable
357 rights and powers of the incapacitated person.

358 (9)~~(6)~~ A person for whom a limited guardian has been
359 appointed retains all legal rights except those which have been



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360 specifically granted to the guardian in the court's written
361 order.

362 Section 13. Section 744.703, Florida Statutes, is
363 renumbered as 744.2006, Florida Statutes, and subsections (1)
364 and (6) of that section are amended, to read:

365 744.2006 ~~744.703~~ Office of public and professional
366 guardians ~~guardian~~; appointment, notification.-

367 (1) The executive director of the ~~Statewide Public~~
368 ~~Guardianship~~ Office of Public and Professional Guardians, after
369 consultation with the chief judge and other circuit judges
370 within the judicial circuit and with appropriate advocacy groups
371 and individuals and organizations who are knowledgeable about
372 the needs of incapacitated persons, may establish, within a
373 county in the judicial circuit or within the judicial circuit,
374 one or more offices of public and professional guardian and if
375 so established, shall create a list of persons best qualified to
376 serve as the public guardian, who have been investigated
377 pursuant to s. 744.3135. The public guardian must have knowledge
378 of the legal process and knowledge of social services available
379 to meet the needs of incapacitated persons. The public guardian
380 shall maintain a staff or contract with professionally qualified
381 individuals to carry out the guardianship functions, including
382 an attorney who has experience in probate areas and another
383 person who has a master's degree in social work, or a
384 gerontologist, psychologist, registered nurse, or nurse
385 practitioner. A public guardian that is a nonprofit corporate
386 guardian under s. 744.309(5) must receive tax-exempt status from
387 the United States Internal Revenue Service.

388 (6) Public guardians who have been previously appointed by



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389 a chief judge prior to the effective date of this act pursuant
390 to this section may continue in their positions until the
391 expiration of their term pursuant to their agreement. However,
392 oversight of all public guardians shall transfer to the
393 ~~Statewide Public Guardianship~~ Office of Public and Professional
394 Guardians upon the effective date of this act. The executive
395 director of the ~~Statewide Public Guardianship~~ Office of Public
396 and Professional Guardians shall be responsible for all future
397 appointments of public guardians pursuant to this act.

398 Section 14. Section 744.704, Florida Statutes, is
399 renumbered as section 744.2007, Florida Statutes.

400 Section 15. Section 744.705, Florida Statutes, is
401 renumbered as section 744.2008, Florida Statutes.

402 Section 16. Section 744.706, Florida Statutes, is
403 renumbered as section 744.2009, Florida Statutes, and amended to
404 read:

405 744.2009 ~~744.706~~ Preparation of budget.—Each public
406 guardian, whether funded in whole or in part by money raised
407 through local efforts, grants, or any other source or whether
408 funded in whole or in part by the state, shall prepare a budget
409 for the operation of the office of public guardian to be
410 submitted to the ~~Statewide Public Guardianship~~ Office of Public
411 and Professional Guardians. As appropriate, the ~~Statewide Public~~
412 ~~Guardianship~~ Office of Public and Professional Guardians will
413 include such budgetary information in the Department of Elderly
414 Affairs' legislative budget request. The office of public
415 guardian shall be operated within the limitations of the General
416 Appropriations Act and any other funds appropriated by the
417 Legislature to that particular judicial circuit, subject to the



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418 provisions of chapter 216. The Department of Elderly Affairs
419 shall make a separate and distinct request for an appropriation
420 for the ~~Statewide Public Guardianship~~ Office of Public and
421 Professional Guardians. However, this section may ~~shall~~ not be
422 construed to preclude the financing of any operations of the
423 office of the public guardian by moneys raised through local
424 effort or through the efforts of the ~~Statewide Public~~
425 ~~Guardianship~~ Office of Public and Professional Guardians.

426 Section 17. Section 744.707, Florida Statutes, is
427 renumbered as section 744.2101, Florida Statutes, and amended to
428 read:

429 744.2101 ~~744.707~~ Procedures and rules.—The public guardian,
430 subject to the oversight of the ~~Statewide Public Guardianship~~
431 Office of Public and Professional Guardians, is authorized to:

432 (1) Formulate and adopt necessary procedures to assure the
433 efficient conduct of the affairs of the ward and general
434 administration of the office and staff.

435 (2) Contract for services necessary to discharge the duties
436 of the office.

437 (3) Accept the services of volunteer persons or
438 organizations and provide reimbursement for proper and necessary
439 expenses.

440 Section 18. Section 744.709, Florida Statutes, is
441 renumbered as section 744.2102, Florida Statutes.

442 Section 19. Section 744.708, Florida Statutes, is
443 renumbered as section 744.2103, Florida Statutes, and
444 subsections (3), (4), (5), and (7) of that section are amended,
445 to read:

446 744.2103 ~~744.708~~ Reports and standards.—



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447 (3) A public guardian shall file an annual report on the
448 operations of the office of public guardian, in writing, by
449 September 1 for the preceding fiscal year with the ~~Statewide~~
450 ~~Public Guardianship~~ Office of Public and Professional Guardians,
451 which shall have responsibility for supervision of the
452 operations of the office of public guardian.

453 (4) Within 6 months of his or her appointment as guardian
454 of a ward, the public guardian shall submit to the clerk of the
455 court for placement in the ward's guardianship file and to the
456 executive director of the ~~Statewide Public Guardianship~~ Office
457 of Public and Professional Guardians a report on his or her
458 efforts to locate a family member or friend, other person, bank,
459 or corporation to act as guardian of the ward and a report on
460 the ward's potential to be restored to capacity.

461 (5) (a) Each office of public guardian shall undergo an
462 independent audit by a qualified certified public accountant at
463 least once every 2 years. A copy of the audit report shall be
464 submitted to the ~~Statewide Public Guardianship~~ Office of Public
465 and Professional Guardians.

466 (b) In addition to regular monitoring activities, the
467 ~~Statewide Public Guardianship~~ Office of Public and Professional
468 Guardians shall conduct an investigation into the practices of
469 each office of public guardian related to the managing of each
470 ward's personal affairs and property. If feasible, the
471 investigation shall be conducted in conjunction with the
472 financial audit of each office of public guardian under
473 paragraph (a).

474 (7) The ratio for professional staff to wards shall be 1
475 professional to 40 wards. The ~~Statewide Public Guardianship~~



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476 Office of Public and Professional Guardians may increase or
477 decrease the ratio after consultation with the local public
478 guardian and the chief judge of the circuit court. The basis for
479 the decision to increase or decrease the prescribed ratio must
480 be included in the annual report to the secretary.

481 Section 20. Section 744.7081, Florida Statutes, is
482 renumbered as section 744.2104, Florida Statutes, and amended to
483 read:

484 744.2104 ~~744.7081~~ Access to records by the Statewide Public
485 ~~Guardianship~~ Office of Public and Professional Guardians;
486 confidentiality.—Notwithstanding any other provision of law to
487 the contrary, any medical, financial, or mental health records
488 held by an agency, or the court and its agencies, which are
489 necessary to evaluate the public guardianship system, to assess
490 the need for additional public guardianship, or to develop
491 required reports, shall be provided to the ~~Statewide Public~~
492 ~~Guardianship~~ Office of Public and Professional Guardians upon
493 that office's request. Any confidential or exempt information
494 provided to the ~~Statewide Public Guardianship~~ Office of Public
495 and Professional Guardians shall continue to be held
496 confidential or exempt as otherwise provided by law. All records
497 held by the ~~Statewide Public Guardianship~~ Office of Public and
498 Professional Guardians relating to the medical, financial, or
499 mental health of vulnerable adults as defined in chapter 415,
500 persons with a developmental disability as defined in chapter
501 393, or persons with a mental illness as defined in chapter 394,
502 shall be confidential and exempt from s. 119.07(1) and s. 24(a),
503 Art. I of the State Constitution. Notwithstanding any other
504 provision of law, the Office of Public and Professional



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505 Guardians is entitled to access all court records relating to
506 the guardianship cases for which a professional guardian is
507 appointed. The office is entitled to access these records
508 through whatever means or systems are available, including, but
509 not limited to, electronic access through the Florida Courts E-
510 Portal.

511 Section 21. Section 744.7082, Florida Statutes, is
512 renumbered as section 744.2105, Florida Statutes, and
513 subsections (1) through (5) and (8) of that section are amended,
514 to read:

515 744.2105 ~~744.7082~~ Direct-support organization; definition;
516 use of property; board of directors; audit; dissolution.-

517 (1) DEFINITION.—As used in this section, the term “direct-
518 support organization” means an organization whose sole purpose
519 is to support the Statewide Public Guardianship Office of Public
520 and Professional Guardians and is:

521 (a) A not-for-profit corporation incorporated under chapter
522 617 and approved by the Department of State;

523 (b) Organized and operated to conduct programs and
524 activities; to raise funds; to request and receive grants,
525 gifts, and bequests of moneys; to acquire, receive, hold,
526 invest, and administer, in its own name, securities, funds,
527 objects of value, or other property, real or personal; and to
528 make expenditures to or for the direct or indirect benefit of
529 the Statewide Public Guardianship Office of Public and
530 Professional Guardians; and

531 (c) Determined by the Statewide Public Guardianship Office
532 of Public and Professional Guardians to be consistent with the
533 goals of the office, in the best interests of the state, and in



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534 accordance with the adopted goals and mission of the Department
535 of Elderly Affairs and the ~~Statewide Public Guardianship~~ Office
536 of Public and Professional Guardians.

537 (2) CONTRACT.—The direct-support organization shall operate
538 under a written contract with the ~~Statewide Public Guardianship~~
539 Office of Public and Professional Guardians. The written
540 contract must provide for:

541 (a) Certification by the ~~Statewide Public Guardianship~~
542 Office of Public and Professional Guardians that the direct-
543 support organization is complying with the terms of the contract
544 and is doing so consistent with the goals and purposes of the
545 office and in the best interests of the state. This
546 certification must be made annually and reported in the official
547 minutes of a meeting of the direct-support organization.

548 (b) The reversion of moneys and property held in trust by
549 the direct-support organization:

550 1. To the ~~Statewide Public Guardianship~~ Office of Public
551 and Professional Guardians if the direct-support organization is
552 no longer approved to operate for the office;

553 2. To the ~~Statewide Public Guardianship~~ Office of Public
554 and Professional Guardians if the direct-support organization
555 ceases to exist;

556 3. To the Department of Elderly Affairs if the ~~Statewide~~
557 ~~Public Guardianship~~ Office of Public and Professional Guardians
558 ceases to exist; or

559 4. To the state if the Department of Elderly Affairs ceases
560 to exist.

561
562 The fiscal year of the direct-support organization shall begin



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563 on July 1 of each year and end on June 30 of the following year.

564 (c) The disclosure of the material provisions of the
565 contract, and the distinction between the ~~Statewide Public~~
566 ~~Guardianship~~ Office of Public and Professional Guardians and the
567 direct-support organization, to donors of gifts, contributions,
568 or bequests, including such disclosure on all promotional and
569 fundraising publications.

570 (3) BOARD OF DIRECTORS.—The Secretary of Elderly Affairs
571 shall appoint a board of directors for the direct-support
572 organization from a list of nominees submitted by the executive
573 director of the ~~Statewide Public Guardianship~~ Office of Public
574 and Professional Guardians.

575 (4) USE OF PROPERTY.—The Department of Elderly Affairs may
576 permit, without charge, appropriate use of fixed property and
577 facilities of the department or the ~~Statewide Public~~
578 ~~Guardianship~~ Office of Public and Professional Guardians by the
579 direct-support organization. The department may prescribe any
580 condition with which the direct-support organization must comply
581 in order to use fixed property or facilities of the department
582 or the ~~Statewide Public Guardianship~~ Office of Public and
583 Professional Guardians.

584 (5) MONEYS.—Any moneys may be held in a separate depository
585 account in the name of the direct-support organization and
586 subject to the provisions of the written contract with the
587 ~~Statewide Public Guardianship~~ Office of Public and Professional
588 Guardians. Expenditures of the direct-support organization shall
589 be expressly used to support the ~~Statewide Public Guardianship~~
590 Office of Public and Professional Guardians. The expenditures of
591 the direct-support organization may not be used for the purpose



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592 of lobbying as defined in s. 11.045.

593 (8) DISSOLUTION.—~~A After July 1, 2004, any~~ not-for-profit
594 corporation incorporated under chapter 617 that is determined by
595 a circuit court to be representing itself as a direct-support
596 organization created under this section, but that does not have
597 a written contract with the ~~Statewide Public Guardianship~~ Office
598 of Public and Professional Guardians in compliance with this
599 section, is considered to meet the grounds for a judicial
600 dissolution described in s. 617.1430(1)(a). The ~~Statewide Public~~
601 ~~Guardianship~~ Office of Public and Professional Guardians shall
602 be the recipient for all assets held by the dissolved
603 corporation which accrued during the period that the dissolved
604 corporation represented itself as a direct-support organization
605 created under this section.

606 Section 22. Section 744.712, Florida Statutes, is
607 renumbered as section 744.2106, Florida Statutes, and amended to
608 read:

609 744.2106 744.712 Joining Forces for Public Guardianship
610 grant program; purpose.—The Legislature intends to establish the
611 Joining Forces for Public Guardianship matching grant program
612 for the purpose of assisting counties to establish and fund
613 community-supported public guardianship programs. The Joining
614 Forces for Public Guardianship matching grant program shall be
615 established and administered by the ~~Statewide Public~~
616 ~~Guardianship~~ Office of Public and Professional Guardians within
617 the Department of Elderly Affairs. The purpose of the program is
618 to provide startup funding to encourage communities to develop
619 and administer locally funded and supported public guardianship
620 programs to address the needs of indigent and incapacitated



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621 residents.

622 (1) The ~~Statewide Public Guardianship~~ Office of Public and
623 Professional Guardians may distribute the grant funds as
624 follows:

625 (a) As initial startup funding to encourage counties that
626 have no office of public guardian to establish an office, or as
627 initial startup funding to open an additional office of public
628 guardian within a county whose public guardianship needs require
629 more than one office of public guardian.

630 (b) As support funding to operational offices of public
631 guardian that demonstrate a necessity for funds to meet the
632 public guardianship needs of a particular geographic area in the
633 state which the office serves.

634 (c) To assist counties that have an operating public
635 guardianship program but that propose to expand the geographic
636 area or population of persons they serve, or to develop and
637 administer innovative programs to increase access to public
638 guardianship in this state.

639
640 Notwithstanding this subsection, the executive director of the
641 office may award emergency grants if he or she determines that
642 the award is in the best interests of public guardianship in
643 this state. Before making an emergency grant, the executive
644 director must obtain the written approval of the Secretary of
645 Elderly Affairs. Subsections (2), (3), and (4) do not apply to
646 the distribution of emergency grant funds.

647 (2) One or more grants may be awarded within a county.
648 However, a county may not receive an award that equals, or
649 multiple awards that cumulatively equal, more than 20 percent of



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650 the total amount of grant funds appropriated during any fiscal
651 year.

652 (3) If an applicant is eligible and meets the requirements
653 to receive grant funds more than once, the ~~Statewide Public~~
654 ~~Guardianship~~ Office of Public and Professional Guardians shall
655 award funds to prior awardees in the following manner:

656 (a) In the second year that grant funds are awarded, the
657 cumulative sum of the award provided to one or more applicants
658 within the same county may not exceed 75 percent of the total
659 amount of grant funds awarded within that county in year one.

660 (b) In the third year that grant funds are awarded, the
661 cumulative sum of the award provided to one or more applicants
662 within the same county may not exceed 60 percent of the total
663 amount of grant funds awarded within that county in year one.

664 (c) In the fourth year that grant funds are awarded, the
665 cumulative sum of the award provided to one or more applicants
666 within the same county may not exceed 45 percent of the total
667 amount of grant funds awarded within that county in year one.

668 (d) In the fifth year that grant funds are awarded, the
669 cumulative sum of the award provided to one or more applicants
670 within the same county may not exceed 30 percent of the total
671 amount of grant funds awarded within that county in year one.

672 (e) In the sixth year that grant funds are awarded, the
673 cumulative sum of the award provided to one or more applicants
674 within the same county may not exceed 15 percent of the total
675 amount of grant funds awarded within that county in year one.

676

677 The ~~Statewide Public Guardianship~~ Office of Public and
678 Professional Guardians may not award grant funds to any



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679 applicant within a county that has received grant funds for more
680 than 6 years.

681 (4) Grant funds shall be used only to provide direct
682 services to indigent wards, except that up to 10 percent of the
683 grant funds may be retained by the awardee for administrative
684 expenses.

685 (5) Implementation of the program is subject to a specific
686 appropriation by the Legislature in the General Appropriations
687 Act.

688 Section 23. Section 744.713, Florida Statutes, is
689 renumbered as section 744.2107, Florida Statutes, and amended to
690 read:

691 744.2107 ~~744.713~~ Program administration; duties of the
692 ~~Statewide Public Guardianship Office~~ of Public and Professional
693 Guardians.—The ~~Statewide Public Guardianship Office~~ of Public
694 and Professional Guardians shall administer the grant program.

695 The office shall:

696 (1) Publicize the availability of grant funds to entities
697 that may be eligible for the funds.

698 (2) Establish an application process for submitting a grant
699 proposal.

700 (3) Request, receive, and review proposals from applicants
701 seeking grant funds.

702 (4) Determine the amount of grant funds each awardee may
703 receive and award grant funds to applicants.

704 (5) Develop a monitoring process to evaluate grant
705 awardees, which may include an annual monitoring visit to each
706 awardee's local office.

707 (6) Ensure that persons or organizations awarded grant



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708 funds meet and adhere to the requirements of this act.

709 Section 24. Section 744.714, Florida Statutes, is
710 renumbered as section 744.2108, Florida Statutes, and paragraph
711 (b) of subsection (1) and paragraph (b) of subsection (2) of
712 that section are amended, to read:

713 744.2108 ~~744.714~~ Eligibility.—

714 (1) Any person or organization that has not been awarded a
715 grant must meet all of the following conditions to be eligible
716 to receive a grant:

717 (b) The applicant must have already been appointed by, or
718 is pending appointment by, the ~~Statewide Public Guardianship~~
719 Office of Public and Professional Guardians to become an office
720 of public guardian in this state.

721 (2) Any person or organization that has been awarded a
722 grant must meet all of the following conditions to be eligible
723 to receive another grant:

724 (b) The applicant must have been appointed by, or is
725 pending reappointment by, the ~~Statewide Public Guardianship~~
726 Office of Public and Professional Guardians to be an office of
727 public guardian in this state.

728 Section 25. Section 744.715, Florida Statutes, is
729 renumbered as section 744.2109, Florida Statutes, and amended to
730 read:

731 744.2109 ~~744.715~~ Grant application requirements; review
732 criteria; awards process.—Grant applications must be submitted
733 to the ~~Statewide Public Guardianship~~ Office of Public and
734 Professional Guardians for review and approval.

735 (1) A grant application must contain:

736 (a) The specific amount of funds being requested.



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737 (b) The proposed annual budget for the office of public
738 guardian for which the applicant is applying on behalf of,
739 including all sources of funding, and a detailed report of
740 proposed expenditures, including administrative costs.

741 (c) The total number of wards the applicant intends to
742 serve during the grant period.

743 (d) Evidence that the applicant has:

744 1. Attempted to procure funds and has exhausted all
745 possible other sources of funding; or

746 2. Procured funds from local sources, but the total amount
747 of the funds collected or pledged is not sufficient to meet the
748 need for public guardianship in the geographic area that the
749 applicant intends to serve.

750 (e) An agreement or confirmation from a local funding
751 source, such as a county, municipality, or any other public or
752 private organization, that the local funding source will
753 contribute matching funds to the public guardianship program
754 totaling not less than \$1 for every \$1 of grant funds awarded.
755 For purposes of this section, an applicant may provide evidence
756 of agreements or confirmations from multiple local funding
757 sources showing that the local funding sources will pool their
758 contributed matching funds to the public guardianship program
759 for a combined total of not less than \$1 for every \$1 of grant
760 funds awarded. In-kind contributions, such as materials,
761 commodities, office space, or other types of facilities,
762 personnel services, or other items as determined by rule shall
763 be considered by the office and may be counted as part or all of
764 the local matching funds.

765 (f) A detailed plan describing how the office of public



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766 guardian for which the applicant is applying on behalf of will
767 be funded in future years.

768 (g) Any other information determined by rule as necessary
769 to assist in evaluating grant applicants.

770 (2) If the ~~Statewide Public Guardianship~~ Office of Public
771 and Professional Guardians determines that an applicant meets
772 the requirements for an award of grant funds, the office may
773 award the applicant any amount of grant funds the executive
774 director deems appropriate, if the amount awarded meets the
775 requirements of this act. The office may adopt a rule allocating
776 the maximum allowable amount of grant funds which may be
777 expended on any ward.

778 (3) A grant awardee must submit a new grant application for
779 each year of additional funding.

780 (4) (a) In the first year of the Joining Forces for Public
781 Guardianship program's existence, the ~~Statewide Public~~
782 ~~Guardianship~~ Office of Public and Professional Guardians shall
783 give priority in awarding grant funds to those entities that:

784 1. Are operating as appointed offices of public guardians
785 in this state;

786 2. Meet all of the requirements for being awarded a grant
787 under this act; and

788 3. Demonstrate a need for grant funds during the current
789 fiscal year due to a loss of local funding formerly raised
790 through court filing fees.

791 (b) In each fiscal year after the first year that grant
792 funds are distributed, the ~~Statewide Public Guardianship~~ Office
793 of Public and Professional Guardians may give priority to
794 awarding grant funds to those entities that:



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795 1. Meet all of the requirements of this act for being
796 awarded grant funds; and

797 2. Submit with their application an agreement or
798 confirmation from a local funding source, such as a county,
799 municipality, or any other public or private organization, that
800 the local funding source will contribute matching funds totaling
801 an amount equal to or exceeding \$2 for every \$1 of grant funds
802 awarded by the office. An entity may submit with its application
803 agreements or confirmations from multiple local funding sources
804 showing that the local funding sources will pool their
805 contributed matching funds to the public guardianship program
806 for a combined total of not less than \$2 for every \$1 of grant
807 funds awarded. In-kind contributions allowable under this
808 section shall be evaluated by the ~~Statewide Public Guardianship~~
809 Office of Public and Professional Guardians and may be counted
810 as part or all of the local matching funds.

811 Section 26. Section 744.701, Florida Statutes, is repealed.

812 Section 27. Section 744.702, Florida Statutes, is repealed.

813 Section 28. Section 744.7101, Florida Statutes, is
814 repealed.

815 Section 29. Section 744.711, Florida Statutes, is repealed.

816 Section 30. Subsection (5) of section 400.148, Florida
817 Statutes, is amended to read:

818 400.148 Medicaid "Up-or-Out" Quality of Care Contract
819 Management Program.—

820 (5) The agency shall, jointly with the ~~Statewide Public~~
821 Guardianship Office of Public and Professional Guardians,
822 develop a system in the pilot project areas to identify Medicaid
823 recipients who are residents of a participating nursing home or



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824 assisted living facility who have diminished ability to make
825 their own decisions and who do not have relatives or family
826 available to act as guardians in nursing homes listed on the
827 Nursing Home Guide Watch List. The agency and the ~~Statewide~~
828 ~~Public Guardianship~~ Office of Public and Professional Guardians
829 shall give such residents priority for publicly funded
830 guardianship services.

831 Section 31. Subsection (3), paragraph (c) of subsection
832 (4), and subsections (5) and (6) of section 744.3135, Florida
833 Statutes, are amended to read:

834 744.3135 Credit and criminal investigation.-

835 (3) For professional guardians, the court and the ~~Statewide~~
836 ~~Public Guardianship~~ Office of Public and Professional Guardians
837 shall accept the satisfactory completion of a criminal history
838 record check by any method described in this subsection. A
839 professional guardian satisfies the requirements of this section
840 by undergoing an electronic fingerprint criminal history record
841 check. A professional guardian may use any electronic
842 fingerprinting equipment used for criminal history record
843 checks. The ~~Statewide Public Guardianship~~ Office of Public and
844 Professional Guardians shall adopt a rule detailing the
845 acceptable methods for completing an electronic fingerprint
846 criminal history record check under this section. The
847 professional guardian shall pay the actual costs incurred by the
848 Federal Bureau of Investigation and the Department of Law
849 Enforcement for the criminal history record check. The entity
850 completing the record check must immediately send the results of
851 the criminal history record check to the clerk of the court and
852 the ~~Statewide Public Guardianship~~ Office of Public and



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853 Professional Guardians. The clerk of the court shall maintain
854 the results in the professional guardian's file and shall make
855 the results available to the court.

856 (4)

857 (c) The Department of Law Enforcement shall search all
858 arrest fingerprints received under s. 943.051 against the
859 fingerprints retained in the statewide automated biometric
860 identification system under paragraph (b). Any arrest record
861 that is identified with the fingerprints of a person described
862 in this paragraph must be reported to the clerk of court. The
863 clerk of court must forward any arrest record received for a
864 professional guardian to the ~~Statewide Public Guardianship~~
865 Office of Public and Professional Guardians within 5 days. Each
866 professional guardian who elects to submit fingerprint
867 information electronically shall participate in this search
868 process by paying an annual fee to the ~~Statewide Public~~
869 ~~Guardianship~~ Office of Public and Professional Guardians of the
870 Department of Elderly Affairs and by informing the clerk of
871 court and the ~~Statewide Public Guardianship~~ Office of Public and
872 Professional Guardians of any change in the status of his or her
873 guardianship appointment. The amount of the annual fee to be
874 imposed for performing these searches and the procedures for the
875 retention of professional guardian fingerprints and the
876 dissemination of search results shall be established by rule of
877 the Department of Law Enforcement. At least once every 5 years,
878 the ~~Statewide Public Guardianship~~ Office of Public and
879 Professional Guardians must request that the Department of Law
880 Enforcement forward the fingerprints maintained under this
881 section to the Federal Bureau of Investigation.



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882 (5) (a) A professional guardian, and each employee of a
883 professional guardian who has a fiduciary responsibility to a
884 ward, must complete, at his or her own expense, an investigation
885 of his or her credit history before and at least once every 2
886 years after the date of the guardian's registration with the
887 ~~Statewide Public Guardianship~~ Office of Public and Professional
888 Guardians.

889 (b) The ~~Statewide Public Guardianship~~ Office of Public and
890 Professional Guardians shall adopt a rule detailing the
891 acceptable methods for completing a credit investigation under
892 this section. If appropriate, the ~~Statewide Public Guardianship~~
893 Office of Public and Professional Guardians may administer
894 credit investigations. If the office chooses to administer the
895 credit investigation, the office may adopt a rule setting a fee,
896 not to exceed \$25, to reimburse the costs associated with the
897 administration of a credit investigation.

898 (6) The ~~Statewide Public Guardianship~~ Office of Public and
899 Professional Guardians may inspect at any time the results of
900 any credit or criminal history record check of a public or
901 professional guardian conducted under this section. The office
902 shall maintain copies of the credit or criminal history record
903 check results in the guardian's registration file. If the
904 results of a credit or criminal investigation of a public or
905 professional guardian have not been forwarded to the ~~Statewide~~
906 Public Guardianship Office of Public and Professional Guardians
907 by the investigating agency, the clerk of the court shall
908 forward copies of the results of the investigations to the
909 office upon receiving them.

910 Section 32. Paragraph (e) of subsection (2) of section



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911 415.1102, Florida Statutes, is amended to read:

912 415.1102 Adult protection teams.—

913 (2) Such teams may be composed of, but need not be limited
914 to:

915 (e) Public and professional guardians as described in part
916 II ~~IX~~ of chapter 744.

917 Section 33. Paragraph (d) of subsection (3) of section
918 744.331, Florida Statutes, is amended to read:

919 744.331 Procedures to determine incapacity.—

920 (3) EXAMINING COMMITTEE.—

921 (d) A member of an examining committee must complete a
922 minimum of 4 hours of initial training. The person must complete
923 2 hours of continuing education during each 2-year period after
924 the initial training. The initial training and continuing
925 education program must be developed under the supervision of the
926 ~~Statewide Public Guardianship Office~~ of Public and Professional
927 Guardians, in consultation with the Florida Conference of
928 Circuit Court Judges; the Elder Law and the Real Property,
929 Probate and Trust Law sections of The Florida Bar; and the
930 Florida State Guardianship Association; ~~and the Florida~~
931 ~~Guardianship Foundation~~. The court may waive the initial
932 training requirement for a person who has served for not less
933 than 5 years on examining committees. If a person wishes to
934 obtain his or her continuing education on the Internet or by
935 watching a video course, the person must first obtain the
936 approval of the chief judge before taking an Internet or video
937 course.

938 Section 34. Paragraph (a) of subsection (1) of section
939 20.415, Florida Statutes, is amended to read:



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940 20.415 Department of Elderly Affairs; trust funds.—The
941 following trust funds shall be administered by the Department of
942 Elderly Affairs:

943 (1) Administrative Trust Fund.

944 (a) Funds to be credited to and uses of the trust fund
945 shall be administered in accordance with ss. 215.32, 744.534,
946 and 744.2001 ~~744.7021~~.

947 Section 35. Section 744.524, Florida Statutes, is amended
948 to read:

949 744.524 Termination of guardianship on change of domicile
950 of resident ward.—When the domicile of a resident ward has
951 changed as provided in s. 744.1098 ~~s. 744.2025~~, and the foreign
952 court having jurisdiction over the ward at the ward's new
953 domicile has appointed a guardian and that guardian has
954 qualified and posted a bond in an amount required by the foreign
955 court, the guardian in this state may file her or his final
956 report and close the guardianship in this state. The guardian of
957 the property in this state shall cause a notice to be published
958 once a week for 2 consecutive weeks, in a newspaper of general
959 circulation published in the county, that she or he has filed
960 her or his accounting and will apply for discharge on a day
961 certain and that jurisdiction of the ward will be transferred to
962 the state of foreign jurisdiction. If an objection is filed to
963 the termination of the guardianship in this state, the court
964 shall hear the objection and enter an order either sustaining or
965 overruling the objection. Upon the disposition of all objections
966 filed, or if no objection is filed, final settlement shall be
967 made by the Florida guardian. On proof that the remaining
968 property in the guardianship has been received by the foreign



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969 guardian, the guardian of the property in this state shall be
970 discharged. The entry of the order terminating the guardianship
971 in this state shall not exonerate the guardian or the guardian's
972 surety from any liability previously incurred.

973 Section 36. For the 2015-2016 fiscal year, 6 full-time
974 equivalent positions, with associated salary rate of 191,119,
975 are authorized and the sum of \$821,670 in recurring funds from
976 the General Revenue Fund is appropriated to the Department of
977 Elder Affairs for the purpose of carrying out all oversight and
978 monitoring responsibilities of the Office of Public and
979 Professional Guardians.

980 Section 37. This act shall take effect January 1, 2016.

981
982 ===== T I T L E A M E N D M E N T =====

983 And the title is amended as follows:

984 Delete everything before the enacting clause
985 and insert:

986 A bill to be entitled
987 An act relating to guardianship; providing directives
988 to the Division of Law Revision and Information;
989 amending s. 744.1012, F.S.; revising legislative
990 intent; renumbering s. 744.201, F.S.; renumbering and
991 amending s. 744.202, F.S.; conforming a cross-
992 reference; renumbering s. 744.2025, F.S.; renumbering
993 and amending s. 744.7021, F.S.; revising the
994 responsibilities of the executive director for the
995 Office of Public and Professional Guardians;
996 conforming provisions to changes made by the act;
997 renumbering and amending s. 744.1083, F.S.; removing a



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998 provision authorizing the executive director to
999 suspend or revoke the registration of a guardian who
1000 commits certain violations; removing the requirement
1001 of written notification to the chief judge of the
1002 judicial circuit upon the executive director's denial,
1003 suspension, or revocation of a registration;
1004 conforming provisions to changes made by the act;
1005 conforming a cross-reference; renumbering and amending
1006 s. 744.1085, F.S.; removing an obsolete provision;
1007 conforming provisions to changes made by the act;
1008 conforming a cross-reference; creating s. 744.2004,
1009 F.S.; requiring the Office of Public and Professional
1010 Guardians to adopt rules; requiring the office, under
1011 certain circumstances, to make a specified
1012 recommendation to a court of competent jurisdiction;
1013 renumbering and amending s. 744.344, F.S.; requiring
1014 that a professional guardian appointed by a court to
1015 represent a ward be selected from a registry of
1016 professional guardians; requiring the chief judge of a
1017 circuit court to compile a list of professional
1018 guardians by county and provide the list to the clerk
1019 of court in each county; providing requirements for
1020 inclusion in the registry; providing procedures for a
1021 court to appoint a professional guardian; providing an
1022 exception; requiring the clerk of the court to
1023 maintain the registry and provide the court with the
1024 name of a professional guardian for appointment;
1025 renumbering and amending s. 744.703, F.S.; conforming
1026 provisions to changes made by the act; renumbering ss.



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1027 744.704 and 744.705, F.S.; renumbering and amending
1028 ss. 744.706 and 744.707, F.S.; conforming provisions
1029 to changes made by the act; renumbering s. 744.709,
1030 F.S.; renumbering and amending s. 744.708, F.S.;
1031 conforming provisions to changes made by the act;
1032 renumbering and amending s. 744.7081, F.S.; providing
1033 the Office of Public and Professional Guardians with
1034 access to all court records relating to guardianship
1035 cases for which a professional guardian is appointed;
1036 providing that the office may access such records
1037 through all available means; conforming provisions to
1038 changes made by the act; renumbering and amending s.
1039 744.7082, F.S.; conforming provisions to changes made
1040 by the act; renumbering and amending s. 744.712, F.S.;
1041 providing legislative intent; conforming provisions;
1042 renumbering and amending ss. 744.713, 744.714, and
1043 744.715, F.S.; conforming provisions to changes made
1044 by the act; repealing s. 744.701, F.S.; relating to a
1045 short title; repealing s. 744.702, F.S.; relating to
1046 legislative intent; repealing s. 744.7101, F.S.;
1047 relating to a short title; repealing s. 744.711, F.S.;
1048 relating to legislative findings and intent; amending
1049 ss. 400.148, 744.3135, and 744.331, F.S.; conforming
1050 provisions to changes made by the act; amending ss.
1051 20.415, 415.1102, and 744.524, F.S.; conforming cross-
1052 references; making technical changes; providing an
1053 appropriation; providing an effective date.