

By the Committee on Fiscal Policy; and Senator Detert

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1 A bill to be entitled
2 An act relating to guardianship; providing directives
3 to the Division of Law Revision and Information;
4 amending s. 744.1012, F.S.; revising legislative
5 intent; renumbering s. 744.201, F.S.; renumbering and
6 amending s. 744.202, F.S.; conforming a cross-
7 reference; renumbering s. 744.2025, F.S.; renumbering
8 and amending s. 744.7021, F.S.; revising the
9 responsibilities of the executive director for the
10 Office of Public and Professional Guardians;
11 conforming provisions to changes made by the act;
12 renumbering and amending s. 744.1083, F.S.; removing a
13 provision authorizing the executive director to
14 suspend or revoke the registration of a guardian who
15 commits certain violations; removing the requirement
16 of written notification to the chief judge of the
17 judicial circuit upon the executive director's denial,
18 suspension, or revocation of a registration;
19 conforming provisions to changes made by the act;
20 conforming a cross-reference; renumbering and amending
21 s. 744.1085, F.S.; removing an obsolete provision;
22 conforming provisions to changes made by the act;
23 conforming a cross-reference; creating s. 744.2004,
24 F.S.; requiring the Office of Public and Professional
25 Guardians to adopt rules; requiring the office, under
26 certain circumstances, to make a specified
27 recommendation to a court of competent jurisdiction;
28 renumbering and amending s. 744.344, F.S.; requiring
29 that a professional guardian appointed by a court to

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30 represent a ward be selected from a registry of
31 professional guardians; requiring the chief judge of a
32 circuit court to compile a list of professional
33 guardians by county and provide the list to the clerk
34 of court in each county; providing requirements for
35 inclusion in the registry; providing procedures for a
36 court to appoint a professional guardian; providing an
37 exception; requiring the clerk of the court to
38 maintain the registry and provide the court with the
39 name of a professional guardian for appointment;
40 renumbering and amending s. 744.703, F.S.; conforming
41 provisions to changes made by the act; renumbering ss.
42 744.704 and 744.705, F.S.; renumbering and amending
43 ss. 744.706 and 744.707, F.S.; conforming provisions
44 to changes made by the act; renumbering s. 744.709,
45 F.S.; renumbering and amending s. 744.708, F.S.;

46 conforming provisions to changes made by the act;
47 renumbering and amending s. 744.7081, F.S.; providing
48 the Office of Public and Professional Guardians with
49 access to all court records relating to guardianship
50 cases for which a professional guardian is appointed;
51 providing that the office may access such records
52 through all available means; conforming provisions to
53 changes made by the act; renumbering and amending s.
54 744.7082, F.S.; conforming provisions to changes made
55 by the act; renumbering and amending s. 744.712, F.S.;

56 providing legislative intent; conforming provisions;
57 renumbering and amending ss. 744.713, 744.714, and
58 744.715, F.S.; conforming provisions to changes made

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59 by the act; repealing s. 744.701, F.S.; relating to a
60 short title; repealing s. 744.702, F.S.; relating to
61 legislative intent; repealing s. 744.7101, F.S.;
62 relating to a short title; repealing s. 744.711, F.S.;
63 relating to legislative findings and intent; amending
64 ss. 400.148, 744.3135, and 744.331, F.S.; conforming
65 provisions to changes made by the act; amending ss.
66 20.415, 415.1102, and 744.524, F.S.; conforming cross-
67 references; making technical changes; providing an
68 appropriation; providing an effective date.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. The Division of Law Revision and Information is
73 directed to add ss. 744.1096-744.1098, Florida Statutes, created
74 by this act, to part I of chapter 744, Florida Statutes.

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

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

81 Section 4. Section 744.1012, Florida Statutes, is amended
82 to read:

83 744.1012 Legislative intent.—The Legislature finds:

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

87 (2) ~~The Legislature further finds~~ That it is desirable to

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88 make available the least restrictive form of guardianship to
89 assist persons who are only partially incapable of caring for
90 their needs and that alternatives to guardianship and less
91 intrusive means of assistance should always be explored,
92 including, but not limited to, guardian advocates, before an
93 individual's rights are removed through an adjudication of
94 incapacity.

95 (3) By recognizing that every individual has unique needs
96 and differing abilities, the Legislature declares that it is the
97 purpose of this act to promote the public welfare by
98 establishing a system that permits incapacitated persons to
99 participate as fully as possible in all decisions affecting
100 them; that assists such persons in meeting the essential
101 requirements for their physical health and safety, in protecting
102 their rights, in managing their financial resources, and in
103 developing or regaining their abilities to the maximum extent
104 possible; and that accomplishes these objectives through
105 providing, in each case, the form of assistance that least
106 interferes with the legal capacity of a person to act in her or
107 his own behalf. This act shall be liberally construed to
108 accomplish this purpose.

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

114 (5) The Legislature intends, through the establishment of
115 the Office of Public and Professional Guardians, to permit the
116 establishment of offices of public guardians for the purpose of

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117 providing guardianship services for incapacitated persons when
118 no private guardian is available.

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

122 Section 5. Section 744.201, Florida Statutes, is renumbered
123 as section 744.1096, Florida Statutes.

124 Section 6. Section 744.202, Florida Statutes, is renumbered
125 as section 744.1097, Florida Statutes, and subsection (3) of
126 that section is amended to read:

127 744.1097 ~~744.202~~ Venue.—

128 (3) When the residence of an incapacitated person is
129 changed to another county, the guardian shall petition to have
130 the venue of the guardianship changed to the county of the
131 acquired residence, except as provided in s. 744.1098 ~~s.~~
132 ~~744.2025~~.

133 Section 7. Section 744.2025, Florida Statutes, is
134 renumbered as section 744.1098, Florida Statutes.

135 Section 8. Section 744.7021, Florida Statutes, is
136 renumbered as section 744.2001, Florida Statutes, and amended to
137 read:

138 744.2001 ~~744.7021~~ ~~Statewide Public Guardianship~~ Office of
139 Public and Professional Guardians.—There is hereby created the
140 ~~Statewide Public Guardianship~~ Office of Public and Professional
141 Guardians within the Department of Elderly Affairs.

142 (1) The Secretary of Elderly Affairs shall appoint the
143 executive director, who shall be the head of the ~~Statewide~~
144 ~~Public Guardianship~~ Office of Public and Professional Guardians.
145 The executive director must be a member of The Florida Bar,

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146 knowledgeable of guardianship law and of the social services
147 available to meet the needs of incapacitated persons, shall
148 serve on a full-time basis, and shall personally, or through a
149 representative ~~representatives~~ of the office, carry out the
150 purposes and functions of the ~~Statewide Public Guardianship~~
151 Office of Public and Professional Guardians in accordance with
152 state and federal law. The executive director shall serve at the
153 pleasure of and report to the secretary.

154 (2) The executive director shall, within available
155 resources:r

156 (a) Have oversight responsibilities for all public and
157 professional guardians.

158 (b) Review the standards and criteria for the education,
159 registration, and certification of public and professional
160 guardians in Florida.

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

163 (a) The development and implementation of a monitoring tool
164 to be used for periodic monitoring activities of professional
165 guardians related to the management of their wards. This
166 monitoring may not include a financial audit as required by the
167 clerk of the circuit court under s. 744.368.

168 (b) The development of procedures, in consultation with
169 professional guardianship associations, for the review of an
170 allegation that a professional guardian has violated an
171 applicable statute, fiduciary duty, standard of practice, rule,
172 regulation, or other requirement governing the conduct of
173 professional guardians.

174 (c) Establish disciplinary proceedings, conduct hearings,

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175 and take administrative action pursuant to chapter 120.

176 (d) Assist the chief judge in each judicial circuit to
177 establish a registry to allow for the appointment of
178 professional guardians in rotating order as provided in s.
179 744.2005.

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

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

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

187 (c) ~~The executive director shall~~ review of the various
188 methods of funding public guardianship programs, the kinds of
189 services being provided by such programs, and the demographics
190 of the wards. In addition, the executive director shall review
191 and make recommendations regarding the feasibility of recovering
192 a portion or all of the costs of providing public guardianship
193 services from the assets or income of the wards.

194 (d) By January 1 of each year, providing ~~the executive~~
195 ~~director shall provide~~ a status report and providing ~~provide~~
196 further recommendations to the secretary that address the need
197 for public guardianship services and related issues.

198 (e) In consultation with the Florida State Guardianship
199 Association, the development of a guardianship training program
200 curriculum that may be offered to all guardians, whether public
201 or private.

202 (5) The executive director may provide assistance to local
203 governments or entities in pursuing grant opportunities. The

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204 executive director shall review and make recommendations in the
205 annual report on the availability and efficacy of seeking
206 Medicaid matching funds. The executive director shall diligently
207 seek ways to use existing programs and services to meet the
208 needs of public wards.

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

213 ~~(6)(3)~~ The executive director may conduct or contract for
214 demonstration projects authorized by the Department of Elderly
215 Affairs, within funds appropriated or through gifts, grants, or
216 contributions for such purposes, to determine the feasibility or
217 desirability of new concepts of organization, administration,
218 financing, or service delivery designed to preserve the civil
219 and constitutional rights of persons of marginal or diminished
220 capacity. Any gifts, grants, or contributions for such purposes
221 shall be deposited in the Department of Elderly Affairs
222 Administrative Trust Fund.

223 Section 9. Section 744.1083, Florida Statutes, is
224 renumbered as section 744.2002, Florida Statutes, subsections
225 (1) through (5) of that section are amended, and subsections (7)
226 and (10) of that section are republished, to read:

227 744.2002 ~~744.1083~~ Professional guardian registration.—

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

231 (2) Annual registration shall be made on forms furnished by
232 the ~~Statewide Public Guardianship Office~~ of Public and

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233 Professional Guardians and accompanied by the applicable
234 registration fee as determined by rule. The fee may not exceed
235 \$100.

236 (3) Registration must include the following:

237 (a) Sufficient information to identify the professional
238 guardian, as follows:

239 1. If the professional guardian is a natural person, the
240 name, address, date of birth, and employer identification or
241 social security number of the person.

242 2. If the professional guardian is a partnership or
243 association, the name, address, and employer identification
244 number of the entity.

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

247 (c) Sufficient information to distinguish a guardian
248 providing guardianship services as a public guardian,
249 individually, through partnership, corporation, or any other
250 business organization.

251 (4) Prior to registering a professional guardian, the
252 ~~Statewide Public Guardianship~~ Office of Public and Professional
253 Guardians must receive and review copies of the credit and
254 criminal investigations conducted under s. 744.3135. The credit
255 and criminal investigations must have been completed within the
256 previous 2 years.

257 (5) The executive director of the office may deny
258 registration to a professional guardian if the executive
259 director determines that the guardian's proposed registration,
260 including the guardian's credit or criminal investigations,
261 indicates that registering the professional guardian would

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262 violate any provision of this chapter. ~~If a guardian who is~~
263 ~~currently registered with the office violates a provision of~~
264 ~~this chapter, the executive director of the office may suspend~~
265 ~~or revoke the guardian's registration. If the executive director~~
266 ~~denies registration to a professional guardian or suspends or~~
267 ~~revokes a professional guardian's registration, the Statewide~~
268 ~~Public Guardianship Office must send written notification of the~~
269 ~~denial, suspension, or revocation to the chief judge of each~~
270 ~~judicial circuit in which the guardian was serving on the day of~~
271 ~~the office's decision to deny, suspend, or revoke the~~
272 ~~registration.~~

273 (7) A trust company, a state banking corporation or state
274 savings association authorized and qualified to exercise
275 fiduciary powers in this state, or a national banking
276 association or federal savings and loan association authorized
277 and qualified to exercise fiduciary powers in this state, may,
278 but is not required to, register as a professional guardian
279 under this section. If a trust company, state banking
280 corporation, state savings association, national banking
281 association, or federal savings and loan association described
282 in this subsection elects to register as a professional guardian
283 under this subsection, the requirements of subsections (3) and
284 (4) do not apply and the registration must include only the
285 name, address, and employer identification number of the
286 registrant, the name and address of its registered agent, if
287 any, and the documentation described in paragraph (3)(b).

288 (10) A state college or university or an independent
289 college or university that is located and chartered in Florida,
290 that is accredited by the Commission on Colleges of the Southern

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291 Association of Colleges and Schools or the Accrediting Council
 292 for Independent Colleges and Schools, and that confers degrees
 293 as defined in s. 1005.02(7) may, but is not required to,
 294 register as a professional guardian under this section. If a
 295 state college or university or independent college or university
 296 elects to register as a professional guardian under this
 297 subsection, the requirements of subsections (3) and (4) do not
 298 apply and the registration must include only the name, address,
 299 and employer identification number of the registrant.

300 Section 10. Section 744.1085, Florida Statutes, is
 301 renumbered as section 744.2003, Florida Statutes, subsections
 302 (3), (6), and (9) of that section are amended, and subsection
 303 (8) of that section is republished, to read:

304 744.2003 ~~744.1085~~ Regulation of professional guardians;
 305 application; bond required; educational requirements.-

306 (3) Each professional guardian defined in s. 744.102(17)
 307 and public guardian must receive a minimum of 40 hours of
 308 instruction and training. Each professional guardian must
 309 receive a minimum of 16 hours of continuing education every 2
 310 calendar years after the year in which the initial 40-hour
 311 educational requirement is met. The instruction and education
 312 must be completed through a course approved or offered by the
 313 ~~Statewide Public Guardianship Office~~ of Public and Professional
 314 Guardians. The expenses incurred to satisfy the educational
 315 requirements prescribed in this section may not be paid with the
 316 assets of any ward. This subsection does not apply to any
 317 attorney who is licensed to practice law in this state.

318 (6) ~~After July 1, 2005,~~ Each professional guardian is ~~shall~~
 319 ~~be~~ required to demonstrate competency to act as a professional

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320 guardian by taking an examination approved by the Department of
321 Elderly Affairs.

322 (a) The Department of Elderly Affairs shall determine the
323 minimum examination score necessary for passage of guardianship
324 examinations.

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

327 (c) The Department of Elderly Affairs or its contractor
328 shall charge an examination fee for the actual costs of the
329 development and the administration of the examination. The fee
330 for registration and certification of a professional guardian
331 may ~~not to~~ exceed \$500.

332 (d) The Department of Elderly Affairs may recognize passage
333 of a national guardianship examination in lieu of all or part of
334 the examination approved by the Department of Elderly Affairs,
335 except that all professional guardians must take and pass an
336 approved examination section related to Florida law and
337 procedure.

338 (8) The Department of Elderly Affairs shall waive the
339 examination requirement in subsection (6) if a professional
340 guardian can provide:

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

343 (b) A letter from a circuit judge before whom the
344 professional guardian practiced at least 1 year which states
345 that the professional guardian had demonstrated to the court
346 competency as a professional guardian.

347 (9) ~~After July 1, 2004,~~ The court may ~~shall~~ not appoint any
348 professional guardian who has not met the requirements of this

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349 section and s. 744.2002 ~~s. 744.1083~~.

350 Section 11. Section 744.2004, Florida Statutes, is created
351 to read:

352 744.2004 Complaints; disciplinary proceedings; penalties;
353 enforcement.-

354 (1) The Office of Public and Professional Guardians shall
355 adopt rules to:

356 (a) Review, and if determined appropriate, investigate an
357 allegation that a professional guardian has violated an
358 applicable statute, fiduciary duty, standard of practice, rule,
359 regulation, or other requirement governing the conduct of
360 professional guardians.

361 (b) Establish disciplinary proceedings, conduct hearings,
362 and take administrative action pursuant to chapter 120.
363 Disciplinary actions include, but are not limited to, requiring
364 a professional guardian to participate in additional educational
365 courses provided by the Office of Public and Professional
366 Guardians, imposing additional monitoring by the office of the
367 guardianships to which the professional guardian is appointed,
368 and suspension or revocation of a professional guardian's
369 registration.

370 (2) If the office makes a final determination to suspend or
371 revoke the professional guardian's registration, it must provide
372 the determination to the court of competent jurisdiction for any
373 guardianship case to which the professional guardian is
374 currently appointed.

375 Section 12. Section 744.344, Florida Statutes, is
376 renumbered as section 744.2005, Florida Statutes, and amended to
377 read:

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378 744.2005 ~~744.344~~ Order of appointment.-

379 (1) A professional guardian appointed by the court to
380 provide representation of a ward shall be selected from a
381 registry of professional guardians.

382 (2) In using a registry:

383 (a) The chief judge of the judicial circuit shall compile a
384 list of professional guardians by county and provide the list to
385 the clerk of court in each county. To be included on a registry,
386 the professional guardian must be certified by the Office of
387 Public and Professional Guardians.

388 (b) The court shall appoint professional guardians in the
389 order in which the names appear on the applicable registry,
390 unless the court makes a finding of good cause on the record for
391 appointment of a professional guardian out of order. The clerk
392 of the court shall maintain the registry and provide to the
393 court the name of the professional guardian for appointment. A
394 professional guardian not appointed in the order in which her or
395 his name appears on the list shall remain next in order.

396 (3)~~(1)~~ The court may hear testimony on the question of who
397 is entitled to preference in the appointment of a guardian. Any
398 interested person may intervene in the proceedings.

399 (4) The order appointing a guardian must state the nature
400 of the guardianship as either plenary or limited. If limited,
401 the order must state that the guardian may exercise only those
402 delegable rights which have been removed from the incapacitated
403 person and specifically delegated to the guardian. The order
404 shall state the specific powers and duties of the guardian.

405 (5)~~(2)~~ The order appointing a guardian must be consistent
406 with the incapacitated person's welfare and safety, must be the

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407 least restrictive appropriate alternative, and must reserve to
 408 the incapacitated person the right to make decisions in all
 409 matters commensurate with the person's ability to do so.

410 (6)~~(3)~~ If a petition for appointment of guardian has been
 411 filed, an order appointing a guardian must be issued
 412 contemporaneously with the order adjudicating the person
 413 incapacitated. The order must specify the amount of the bond to
 414 be given by the guardian and must state specifically whether the
 415 guardian must place all, or part, of the property of the ward in
 416 a restricted account in a financial institution designated
 417 pursuant to s. 69.031.

418 (7)~~(4)~~ If a petition for the appointment of a guardian has
 419 not been filed at the time of the hearing on the petition to
 420 determine capacity, the court may appoint an emergency temporary
 421 guardian in the manner and for the purposes specified in s.
 422 744.3031.

423 (8)~~(5)~~ A plenary guardian shall exercise all delegable
 424 rights and powers of the incapacitated person.

425 (9)~~(6)~~ A person for whom a limited guardian has been
 426 appointed retains all legal rights except those which have been
 427 specifically granted to the guardian in the court's written
 428 order.

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

432 744.2006 ~~744.703~~ Office of public and professional
 433 guardians ~~guardian~~; appointment, notification.-

434 (1) The executive director of the ~~Statewide Public~~
 435 ~~Guardianship~~ Office of Public and Professional Guardians, after

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436 consultation with the chief judge and other circuit judges
437 within the judicial circuit and with appropriate advocacy groups
438 and individuals and organizations who are knowledgeable about
439 the needs of incapacitated persons, may establish, within a
440 county in the judicial circuit or within the judicial circuit,
441 one or more offices of public and professional guardian and if
442 so established, shall create a list of persons best qualified to
443 serve as the public guardian, who have been investigated
444 pursuant to s. 744.3135. The public guardian must have knowledge
445 of the legal process and knowledge of social services available
446 to meet the needs of incapacitated persons. The public guardian
447 shall maintain a staff or contract with professionally qualified
448 individuals to carry out the guardianship functions, including
449 an attorney who has experience in probate areas and another
450 person who has a master's degree in social work, or a
451 gerontologist, psychologist, registered nurse, or nurse
452 practitioner. A public guardian that is a nonprofit corporate
453 guardian under s. 744.309(5) must receive tax-exempt status from
454 the United States Internal Revenue Service.

455 (6) Public guardians who have been previously appointed by
456 a chief judge prior to the effective date of this act pursuant
457 to this section may continue in their positions until the
458 expiration of their term pursuant to their agreement. However,
459 oversight of all public guardians shall transfer to the
460 ~~Statewide Public Guardianship Office~~ of Public and Professional
461 Guardians upon the effective date of this act. The executive
462 director of the ~~Statewide Public Guardianship Office~~ of Public
463 and Professional Guardians shall be responsible for all future
464 appointments of public guardians pursuant to this act.

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465 Section 14. Section 744.704, Florida Statutes, is
466 renumbered as section 744.2007, Florida Statutes.

467 Section 15. Section 744.705, Florida Statutes, is
468 renumbered as section 744.2008, Florida Statutes.

469 Section 16. Section 744.706, Florida Statutes, is
470 renumbered as section 744.2009, Florida Statutes, and amended to
471 read:

472 744.2009 ~~744.706~~ Preparation of budget.—Each public
473 guardian, whether funded in whole or in part by money raised
474 through local efforts, grants, or any other source or whether
475 funded in whole or in part by the state, shall prepare a budget
476 for the operation of the office of public guardian to be
477 submitted to the ~~Statewide Public Guardianship~~ Office of Public
478 and Professional Guardians. As appropriate, the ~~Statewide Public~~
479 ~~Guardianship~~ Office of Public and Professional Guardians will
480 include such budgetary information in the Department of Elderly
481 Affairs' legislative budget request. The office of public
482 guardian shall be operated within the limitations of the General
483 Appropriations Act and any other funds appropriated by the
484 Legislature to that particular judicial circuit, subject to the
485 provisions of chapter 216. The Department of Elderly Affairs
486 shall make a separate and distinct request for an appropriation
487 for the ~~Statewide Public Guardianship~~ Office of Public and
488 Professional Guardians. However, this section may ~~shall~~ not be
489 construed to preclude the financing of any operations of the
490 office of the public guardian by moneys raised through local
491 effort or through the efforts of the ~~Statewide Public~~
492 ~~Guardianship~~ Office of Public and Professional Guardians.

493 Section 17. Section 744.707, Florida Statutes, is

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494 renumbered as section 744.2101, Florida Statutes, and amended to
495 read:

496 744.2101 ~~744.707~~ Procedures and rules.—The public guardian,
497 subject to the oversight of the ~~Statewide Public Guardianship~~
498 Office of Public and Professional Guardians, is authorized to:

499 (1) Formulate and adopt necessary procedures to assure the
500 efficient conduct of the affairs of the ward and general
501 administration of the office and staff.

502 (2) Contract for services necessary to discharge the duties
503 of the office.

504 (3) Accept the services of volunteer persons or
505 organizations and provide reimbursement for proper and necessary
506 expenses.

507 Section 18. Section 744.709, Florida Statutes, is
508 renumbered as section 744.2102, Florida Statutes.

509 Section 19. Section 744.708, Florida Statutes, is
510 renumbered as section 744.2103, Florida Statutes, and
511 subsections (3), (4), (5), and (7) of that section are amended,
512 to read:

513 744.2103 ~~744.708~~ Reports and standards.—

514 (3) A public guardian shall file an annual report on the
515 operations of the office of public guardian, in writing, by
516 September 1 for the preceding fiscal year with the ~~Statewide~~
517 Public Guardianship Office of Public and Professional Guardians,
518 which shall have responsibility for supervision of the
519 operations of the office of public guardian.

520 (4) Within 6 months of his or her appointment as guardian
521 of a ward, the public guardian shall submit to the clerk of the
522 court for placement in the ward's guardianship file and to the

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523 executive director of the ~~Statewide Public Guardianship~~ Office
524 of Public and Professional Guardians a report on his or her
525 efforts to locate a family member or friend, other person, bank,
526 or corporation to act as guardian of the ward and a report on
527 the ward's potential to be restored to capacity.

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

533 (b) In addition to regular monitoring activities, the
534 ~~Statewide Public Guardianship~~ Office of Public and Professional
535 Guardians shall conduct an investigation into the practices of
536 each office of public guardian related to the managing of each
537 ward's personal affairs and property. If feasible, the
538 investigation shall be conducted in conjunction with the
539 financial audit of each office of public guardian under
540 paragraph (a).

541 (7) The ratio for professional staff to wards shall be 1
542 professional to 40 wards. The ~~Statewide Public Guardianship~~
543 Office of Public and Professional Guardians may increase or
544 decrease the ratio after consultation with the local public
545 guardian and the chief judge of the circuit court. The basis for
546 the decision to increase or decrease the prescribed ratio must
547 be included in the annual report to the secretary.

548 Section 20. Section 744.7081, Florida Statutes, is
549 renumbered as section 744.2104, Florida Statutes, and amended to
550 read:

551 744.2104 ~~744.7081~~ Access to records by the ~~Statewide Public~~

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552 Guardianship Office of Public and Professional Guardians;
553 confidentiality.—Notwithstanding any other provision of law to
554 the contrary, any medical, financial, or mental health records
555 held by an agency, or the court and its agencies, which are
556 necessary to evaluate the public guardianship system, to assess
557 the need for additional public guardianship, or to develop
558 required reports, shall be provided to the ~~Statewide Public~~
559 Guardianship Office of Public and Professional Guardians upon
560 that office's request. Any confidential or exempt information
561 provided to the ~~Statewide Public Guardianship Office of Public~~
562 and Professional Guardians shall continue to be held
563 confidential or exempt as otherwise provided by law. All records
564 held by the ~~Statewide Public Guardianship Office of Public and~~
565 Professional Guardians relating to the medical, financial, or
566 mental health of vulnerable adults as defined in chapter 415,
567 persons with a developmental disability as defined in chapter
568 393, or persons with a mental illness as defined in chapter 394,
569 shall be confidential and exempt from s. 119.07(1) and s. 24(a),
570 Art. I of the State Constitution. Notwithstanding any other
571 provision of law, the Office of Public and Professional
572 Guardians is entitled to access all court records relating to
573 the guardianship cases for which a professional guardian is
574 appointed. The office is entitled to access these records
575 through whatever means or systems are available, including, but
576 not limited to, electronic access through the Florida Courts E-
577 Portal.

578 Section 21. Section 744.7082, Florida Statutes, is
579 renumbered as section 744.2105, Florida Statutes, and
580 subsections (1) through (5) and (8) of that section are amended,

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581 to read:

582 744.2105 ~~744.7082~~ Direct-support organization; definition;
583 use of property; board of directors; audit; dissolution.—

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

588 (a) A not-for-profit corporation incorporated under chapter
589 617 and approved by the Department of State;

590 (b) Organized and operated to conduct programs and
591 activities; to raise funds; to request and receive grants,
592 gifts, and bequests of moneys; to acquire, receive, hold,
593 invest, and administer, in its own name, securities, funds,
594 objects of value, or other property, real or personal; and to
595 make expenditures to or for the direct or indirect benefit of
596 the ~~Statewide Public Guardianship~~ Office of Public and
597 Professional Guardians; and

598 (c) Determined by the ~~Statewide Public Guardianship~~ Office
599 of Public and Professional Guardians to be consistent with the
600 goals of the office, in the best interests of the state, and in
601 accordance with the adopted goals and mission of the Department
602 of Elderly Affairs and the ~~Statewide Public Guardianship~~ Office
603 of Public and Professional Guardians.

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

608 (a) Certification by the ~~Statewide Public Guardianship~~
609 Office of Public and Professional Guardians that the direct-

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610 support organization is complying with the terms of the contract
611 and is doing so consistent with the goals and purposes of the
612 office and in the best interests of the state. This
613 certification must be made annually and reported in the official
614 minutes of a meeting of the direct-support organization.

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

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

620 2. To the ~~Statewide Public Guardianship~~ Office of Public
621 and Professional Guardians if the direct-support organization
622 ceases to exist;

623 3. To the Department of Elderly Affairs if the ~~Statewide~~
624 ~~Public Guardianship~~ Office of Public and Professional Guardians
625 ceases to exist; or

626 4. To the state if the Department of Elderly Affairs ceases
627 to exist.

628
629 The fiscal year of the direct-support organization shall begin
630 on July 1 of each year and end on June 30 of the following year.

631 (c) The disclosure of the material provisions of the
632 contract, and the distinction between the ~~Statewide Public~~
633 ~~Guardianship~~ Office of Public and Professional Guardians and the
634 direct-support organization, to donors of gifts, contributions,
635 or bequests, including such disclosure on all promotional and
636 fundraising publications.

637 (3) BOARD OF DIRECTORS.—The Secretary of Elderly Affairs
638 shall appoint a board of directors for the direct-support

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639 organization from a list of nominees submitted by the executive
640 director of the ~~Statewide Public Guardianship~~ Office of Public
641 and Professional Guardians.

642 (4) USE OF PROPERTY.—The Department of Elderly Affairs may
643 permit, without charge, appropriate use of fixed property and
644 facilities of the department or the ~~Statewide Public~~
645 ~~Guardianship~~ Office of Public and Professional Guardians by the
646 direct-support organization. The department may prescribe any
647 condition with which the direct-support organization must comply
648 in order to use fixed property or facilities of the department
649 or the ~~Statewide Public Guardianship~~ Office of Public and
650 Professional Guardians.

651 (5) MONEYS.—Any moneys may be held in a separate depository
652 account in the name of the direct-support organization and
653 subject to the provisions of the written contract with the
654 ~~Statewide Public Guardianship~~ Office of Public and Professional
655 Guardians. Expenditures of the direct-support organization shall
656 be expressly used to support the ~~Statewide Public Guardianship~~
657 ~~Office~~ of Public and Professional Guardians. The expenditures of
658 the direct-support organization may not be used for the purpose
659 of lobbying as defined in s. 11.045.

660 (8) DISSOLUTION.—~~A~~ After July 1, 2004, any not-for-profit
661 corporation incorporated under chapter 617 that is determined by
662 a circuit court to be representing itself as a direct-support
663 organization created under this section, but that does not have
664 a written contract with the ~~Statewide Public Guardianship~~ Office
665 of Public and Professional Guardians in compliance with this
666 section, is considered to meet the grounds for a judicial
667 dissolution described in s. 617.1430(1)(a). The ~~Statewide Public~~

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668 Guardianship Office of Public and Professional Guardians shall
669 be the recipient for all assets held by the dissolved
670 corporation which accrued during the period that the dissolved
671 corporation represented itself as a direct-support organization
672 created under this section.

673 Section 22. Section 744.712, Florida Statutes, is
674 renumbered as section 744.2106, Florida Statutes, and amended to
675 read:

676 744.2106 ~~744.712~~ Joining Forces for Public Guardianship
677 grant program; purpose.—The Legislature intends to establish the
678 Joining Forces for Public Guardianship matching grant program
679 for the purpose of assisting counties to establish and fund
680 community-supported public guardianship programs. The Joining
681 Forces for Public Guardianship matching grant program shall be
682 established and administered by the ~~Statewide Public~~
683 ~~Guardianship Office of Public and Professional Guardians~~ within
684 the Department of Elderly Affairs. The purpose of the program is
685 to provide startup funding to encourage communities to develop
686 and administer locally funded and supported public guardianship
687 programs to address the needs of indigent and incapacitated
688 residents.

689 (1) The ~~Statewide Public Guardianship~~ Office of Public and
690 Professional Guardians may distribute the grant funds as
691 follows:

692 (a) As initial startup funding to encourage counties that
693 have no office of public guardian to establish an office, or as
694 initial startup funding to open an additional office of public
695 guardian within a county whose public guardianship needs require
696 more than one office of public guardian.

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697 (b) As support funding to operational offices of public
698 guardian that demonstrate a necessity for funds to meet the
699 public guardianship needs of a particular geographic area in the
700 state which the office serves.

701 (c) To assist counties that have an operating public
702 guardianship program but that propose to expand the geographic
703 area or population of persons they serve, or to develop and
704 administer innovative programs to increase access to public
705 guardianship in this state.

706

707 Notwithstanding this subsection, the executive director of the
708 office may award emergency grants if he or she determines that
709 the award is in the best interests of public guardianship in
710 this state. Before making an emergency grant, the executive
711 director must obtain the written approval of the Secretary of
712 Elderly Affairs. Subsections (2), (3), and (4) do not apply to
713 the distribution of emergency grant funds.

714 (2) One or more grants may be awarded within a county.
715 However, a county may not receive an award that equals, or
716 multiple awards that cumulatively equal, more than 20 percent of
717 the total amount of grant funds appropriated during any fiscal
718 year.

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

723 (a) In the second year that grant funds are awarded, the
724 cumulative sum of the award provided to one or more applicants
725 within the same county may not exceed 75 percent of the total

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726 amount of grant funds awarded within that county in year one.

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

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

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

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

743
744 The ~~Statewide Public Guardianship~~ Office of Public and
745 Professional Guardians may not award grant funds to any
746 applicant within a county that has received grant funds for more
747 than 6 years.

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

752 (5) Implementation of the program is subject to a specific
753 appropriation by the Legislature in the General Appropriations
754 Act.

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755 Section 23. Section 744.713, Florida Statutes, is
756 renumbered as section 744.2107, Florida Statutes, and amended to
757 read:

758 744.2107 ~~744.713~~ Program administration; duties of the
759 ~~Statewide Public Guardianship Office of Public and Professional~~
760 ~~Guardians.~~—The ~~Statewide Public Guardianship Office of Public~~
761 ~~and Professional Guardians~~ shall administer the grant program.

762 The office shall:

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

765 (2) Establish an application process for submitting a grant
766 proposal.

767 (3) Request, receive, and review proposals from applicants
768 seeking grant funds.

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

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

774 (6) Ensure that persons or organizations awarded grant
775 funds meet and adhere to the requirements of this act.

776 Section 24. Section 744.714, Florida Statutes, is
777 renumbered as section 744.2108, Florida Statutes, and paragraph
778 (b) of subsection (1) and paragraph (b) of subsection (2) of
779 that section are amended, to read:

780 744.2108 ~~744.714~~ Eligibility.—

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

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

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

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

795 Section 25. Section 744.715, Florida Statutes, is
796 renumbered as section 744.2109, Florida Statutes, and amended to
797 read:

798 744.2109 ~~744.715~~ Grant application requirements; review
799 criteria; awards process.—Grant applications must be submitted
800 to the ~~Statewide Public Guardianship~~ Office of Public and
801 Professional Guardians for review and approval.

802 (1) A grant application must contain:

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

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

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

810 (d) Evidence that the applicant has:

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

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

817 (e) An agreement or confirmation from a local funding
818 source, such as a county, municipality, or any other public or
819 private organization, that the local funding source will
820 contribute matching funds to the public guardianship program
821 totaling not less than \$1 for every \$1 of grant funds awarded.
822 For purposes of this section, an applicant may provide evidence
823 of agreements or confirmations from multiple local funding
824 sources showing that the local funding sources will pool their
825 contributed matching funds to the public guardianship program
826 for a combined total of not less than \$1 for every \$1 of grant
827 funds awarded. In-kind contributions, such as materials,
828 commodities, office space, or other types of facilities,
829 personnel services, or other items as determined by rule shall
830 be considered by the office and may be counted as part or all of
831 the local matching funds.

832 (f) A detailed plan describing how the office of public
833 guardian for which the applicant is applying on behalf of will
834 be funded in future years.

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

837 (2) If the ~~Statewide Public Guardianship~~ Office of Public
838 and Professional Guardians determines that an applicant meets
839 the requirements for an award of grant funds, the office may
840 award the applicant any amount of grant funds the executive
841 director deems appropriate, if the amount awarded meets the

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842 requirements of this act. The office may adopt a rule allocating
843 the maximum allowable amount of grant funds which may be
844 expended on any ward.

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

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

851 1. Are operating as appointed offices of public guardians
852 in this state;

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

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

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

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

864 2. Submit with their application an agreement or
865 confirmation from a local funding source, such as a county,
866 municipality, or any other public or private organization, that
867 the local funding source will contribute matching funds totaling
868 an amount equal to or exceeding \$2 for every \$1 of grant funds
869 awarded by the office. An entity may submit with its application
870 agreements or confirmations from multiple local funding sources

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871 showing that the local funding sources will pool their
872 contributed matching funds to the public guardianship program
873 for a combined total of not less than \$2 for every \$1 of grant
874 funds awarded. In-kind contributions allowable under this
875 section shall be evaluated by the ~~Statewide Public Guardianship~~
876 Office of Public and Professional Guardians and may be counted
877 as part or all of the local matching funds.

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

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

880 Section 28. Section 744.7101, Florida Statutes, is
881 repealed.

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

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

885 400.148 Medicaid "Up-or-Out" Quality of Care Contract
886 Management Program.—

887 (5) The agency shall, jointly with the ~~Statewide Public~~
888 ~~Guardianship~~ Office of Public and Professional Guardians,
889 develop a system in the pilot project areas to identify Medicaid
890 recipients who are residents of a participating nursing home or
891 assisted living facility who have diminished ability to make
892 their own decisions and who do not have relatives or family
893 available to act as guardians in nursing homes listed on the
894 Nursing Home Guide Watch List. The agency and the ~~Statewide~~
895 ~~Public Guardianship~~ Office of Public and Professional Guardians
896 shall give such residents priority for publicly funded
897 guardianship services.

898 Section 31. Subsection (3), paragraph (c) of subsection
899 (4), and subsections (5) and (6) of section 744.3135, Florida

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900 Statutes, are amended to read:

901 744.3135 Credit and criminal investigation.—

902 (3) For professional guardians, the court and the ~~Statewide~~
903 ~~Public Guardianship~~ Office of Public and Professional Guardians
904 shall accept the satisfactory completion of a criminal history
905 record check by any method described in this subsection. A
906 professional guardian satisfies the requirements of this section
907 by undergoing an electronic fingerprint criminal history record
908 check. A professional guardian may use any electronic
909 fingerprinting equipment used for criminal history record
910 checks. The ~~Statewide Public Guardianship~~ Office of Public and
911 Professional Guardians shall adopt a rule detailing the
912 acceptable methods for completing an electronic fingerprint
913 criminal history record check under this section. The
914 professional guardian shall pay the actual costs incurred by the
915 Federal Bureau of Investigation and the Department of Law
916 Enforcement for the criminal history record check. The entity
917 completing the record check must immediately send the results of
918 the criminal history record check to the clerk of the court and
919 the ~~Statewide Public Guardianship~~ Office of Public and
920 Professional Guardians. The clerk of the court shall maintain
921 the results in the professional guardian's file and shall make
922 the results available to the court.

923 (4)

924 (c) The Department of Law Enforcement shall search all
925 arrest fingerprints received under s. 943.051 against the
926 fingerprints retained in the statewide automated biometric
927 identification system under paragraph (b). Any arrest record
928 that is identified with the fingerprints of a person described

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929 in this paragraph must be reported to the clerk of court. The
930 clerk of court must forward any arrest record received for a
931 professional guardian to the ~~Statewide Public Guardianship~~
932 Office of Public and Professional Guardians within 5 days. Each
933 professional guardian who elects to submit fingerprint
934 information electronically shall participate in this search
935 process by paying an annual fee to the ~~Statewide Public~~
936 ~~Guardianship~~ Office of Public and Professional Guardians of the
937 Department of Elderly Affairs and by informing the clerk of
938 court and the ~~Statewide Public Guardianship~~ Office of Public and
939 Professional Guardians of any change in the status of his or her
940 guardianship appointment. The amount of the annual fee to be
941 imposed for performing these searches and the procedures for the
942 retention of professional guardian fingerprints and the
943 dissemination of search results shall be established by rule of
944 the Department of Law Enforcement. At least once every 5 years,
945 the ~~Statewide Public Guardianship~~ Office of Public and
946 Professional Guardians must request that the Department of Law
947 Enforcement forward the fingerprints maintained under this
948 section to the Federal Bureau of Investigation.

949 (5) (a) A professional guardian, and each employee of a
950 professional guardian who has a fiduciary responsibility to a
951 ward, must complete, at his or her own expense, an investigation
952 of his or her credit history before and at least once every 2
953 years after the date of the guardian's registration with the
954 ~~Statewide Public Guardianship~~ Office of Public and Professional
955 Guardians.

956 (b) The ~~Statewide Public Guardianship~~ Office of Public and
957 Professional Guardians shall adopt a rule detailing the

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958 acceptable methods for completing a credit investigation under
959 this section. If appropriate, the ~~Statewide Public Guardianship~~
960 Office of Public and Professional Guardians may administer
961 credit investigations. If the office chooses to administer the
962 credit investigation, the office may adopt a rule setting a fee,
963 not to exceed \$25, to reimburse the costs associated with the
964 administration of a credit investigation.

965 (6) The ~~Statewide Public Guardianship~~ Office of Public and
966 Professional Guardians may inspect at any time the results of
967 any credit or criminal history record check of a public or
968 professional guardian conducted under this section. The office
969 shall maintain copies of the credit or criminal history record
970 check results in the guardian's registration file. If the
971 results of a credit or criminal investigation of a public or
972 professional guardian have not been forwarded to the ~~Statewide~~
973 ~~Public Guardianship~~ Office of Public and Professional Guardians
974 by the investigating agency, the clerk of the court shall
975 forward copies of the results of the investigations to the
976 office upon receiving them.

977 Section 32. Paragraph (e) of subsection (2) of section
978 415.1102, Florida Statutes, is amended to read:

979 415.1102 Adult protection teams.—

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

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

984 Section 33. Paragraph (d) of subsection (3) of section
985 744.331, Florida Statutes, is amended to read:

986 744.331 Procedures to determine incapacity.—

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987 (3) EXAMINING COMMITTEE.—

988 (d) A member of an examining committee must complete a
989 minimum of 4 hours of initial training. The person must complete
990 2 hours of continuing education during each 2-year period after
991 the initial training. The initial training and continuing
992 education program must be developed under the supervision of the
993 ~~Statewide Public Guardianship Office~~ of Public and Professional
994 Guardians, in consultation with the Florida Conference of
995 Circuit Court Judges; the Elder Law and the Real Property,
996 Probate and Trust Law sections of The Florida Bar; and the
997 Florida State Guardianship Association; ~~and the Florida~~
998 ~~Guardianship Foundation~~. The court may waive the initial
999 training requirement for a person who has served for not less
1000 than 5 years on examining committees. If a person wishes to
1001 obtain his or her continuing education on the Internet or by
1002 watching a video course, the person must first obtain the
1003 approval of the chief judge before taking an Internet or video
1004 course.

1005 Section 34. Paragraph (a) of subsection (1) of section
1006 20.415, Florida Statutes, is amended to read:

1007 20.415 Department of Elderly Affairs; trust funds.—The
1008 following trust funds shall be administered by the Department of
1009 Elderly Affairs:

1010 (1) Administrative Trust Fund.

1011 (a) Funds to be credited to and uses of the trust fund
1012 shall be administered in accordance with ss. 215.32, 744.534,
1013 and 744.2001 ~~744.7021~~.

1014 Section 35. Section 744.524, Florida Statutes, is amended
1015 to read:

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1016 744.524 Termination of guardianship on change of domicile
1017 of resident ward.—When the domicile of a resident ward has
1018 changed as provided in s. 744.1098 ~~s. 744.2025~~, and the foreign
1019 court having jurisdiction over the ward at the ward's new
1020 domicile has appointed a guardian and that guardian has
1021 qualified and posted a bond in an amount required by the foreign
1022 court, the guardian in this state may file her or his final
1023 report and close the guardianship in this state. The guardian of
1024 the property in this state shall cause a notice to be published
1025 once a week for 2 consecutive weeks, in a newspaper of general
1026 circulation published in the county, that she or he has filed
1027 her or his accounting and will apply for discharge on a day
1028 certain and that jurisdiction of the ward will be transferred to
1029 the state of foreign jurisdiction. If an objection is filed to
1030 the termination of the guardianship in this state, the court
1031 shall hear the objection and enter an order either sustaining or
1032 overruling the objection. Upon the disposition of all objections
1033 filed, or if no objection is filed, final settlement shall be
1034 made by the Florida guardian. On proof that the remaining
1035 property in the guardianship has been received by the foreign
1036 guardian, the guardian of the property in this state shall be
1037 discharged. The entry of the order terminating the guardianship
1038 in this state shall not exonerate the guardian or the guardian's
1039 surety from any liability previously incurred.

1040 Section 36. For the 2015-2016 fiscal year, 6 full-time
1041 equivalent positions, with associated salary rate of 191,119,
1042 are authorized and the sum of \$821,670 in recurring funds from
1043 the General Revenue Fund is appropriated to the Department of
1044 Elder Affairs for the purpose of carrying out all oversight and

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1045 monitoring responsibilities of the Office of Public and
1046 Professional Guardians.

1047 Section 37. This act shall take effect January 1, 2016.