

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., relating to  
6           domicile of ward; renumbering and amending s. 744.202,  
7           F.S.; conforming a cross-reference; renumbering s.  
8           744.2025, F.S., relating to change of ward's  
9           residence; renumbering and amending s. 744.7021, F.S.;  
10          renaming the Statewide Public Guardianship Office to  
11          the Office of Public and Professional Guardians;  
12          revising the duties and responsibilities of the  
13          executive director for the Office of Public and  
14          Professional Guardians; conforming provisions to  
15          changes made by the act; renumbering and amending s.  
16          744.1083, F.S.; providing that a guardian has standing  
17          to seek judicial review pursuant to ch. 120, F.S., if  
18          his or her registration is denied; removing a  
19          provision authorizing the executive director to  
20          suspend or revoke the registration of a guardian who  
21          commits certain violations; removing the requirement  
22          of written notification to the chief judge of the  
23          judicial circuit upon the executive director's denial,  
24          suspension, or revocation of a registration;  
25          conforming provisions to changes made by the act;  
26          conforming a cross-reference; renumbering and amending

27 s. 744.1085, F.S.; conforming provisions to changes  
28 made by the act; removing an obsolete provision;  
29 conforming a cross-reference; creating s. 744.2004,  
30 F.S.; requiring the Office of Public and Professional  
31 Guardians to establish certain procedures by a  
32 specified date; requiring the office to establish  
33 disciplinary proceedings, conduct hearings, and take  
34 administrative action pursuant to ch. 120, F.S.;

35 requiring the Department of Elderly Affairs to provide  
36 certain written information in disciplinary  
37 proceedings; requiring that certain findings and  
38 recommendations be made within a certain time;  
39 requiring the office, under certain circumstances, to  
40 make a specified recommendation to a court of  
41 competent jurisdiction; requiring the office to report  
42 determination or suspicion of abuse to the Department  
43 of Children and Families' central abuse hotline under  
44 specified circumstances; requiring the Department of  
45 Elderly Affairs to adopt rules; renumbering and  
46 amending s. 744.344, F.S.; making technical changes;  
47 renumbering and amending s. 744.703, F.S.; conforming  
48 provisions to changes made by the act; renumbering ss.  
49 744.704 and 744.705, F.S., relating to the powers and  
50 duties of public guardians and the costs of public  
51 guardians, respectively; renumbering and amending ss.  
52 744.706 and 744.707, F.S.; conforming provisions to

53 changes made by the act; renumbering s. 744.709, F.S.,  
54 relating to surety bonds; renumbering and amending s.  
55 744.708, F.S.; conforming provisions to changes made  
56 by the act; renumbering and amending s. 744.7081,  
57 F.S.; requiring that the Office of Public and  
58 Professional Guardians be provided financial audits  
59 upon its request as part of an investigation;  
60 conforming provisions to changes made by the act;  
61 renumbering and amending s. 744.7082, F.S.; conforming  
62 provisions to changes made by the act; renumbering and  
63 amending s. 744.712, F.S.; providing legislative  
64 intent; conforming provisions; renumbering and  
65 amending ss. 744.713, 744.714, and 744.715, F.S.;  
66 conforming provisions to changes made by the act;  
67 amending s. 744.3135, F.S.; requiring the office to  
68 adopt rules by a certain date; conforming provisions  
69 to changes made by the act; repealing s. 744.701,  
70 F.S., relating to a short title; repealing s. 744.702,  
71 F.S., relating to legislative intent; repealing s.  
72 744.7101, F.S., relating to a short title; repealing  
73 s. 744.711, F.S., relating to legislative findings and  
74 intent; amending ss. 400.148 and 744.331, F.S.;  
75 conforming provisions to changes made by the act;  
76 amending ss. 20.415, 415.1102, 744.309, and 744.524,  
77 F.S.; conforming cross-references; making technical  
78 changes; providing an effective date.

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

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 rename part II of chapter 744, Florida Statutes, entitled "VENUE," as "PUBLIC AND PROFESSIONAL GUARDIANS," consisting of ss. 744.2001-744.2109, Florida Statutes.

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

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

744.1012 Legislative intent.—The Legislature finds that:

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

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

105 incapacity.

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

120 (4) Private guardianship may be inadequate when there is  
121 no willing and responsible family member or friend, other  
122 person, bank, or corporation available to serve as guardian for  
123 an incapacitated person, and such person does not have adequate  
124 income or wealth for the compensation of a private guardian.

125 (5) Through the establishment of the Office of Public and  
126 Professional Guardians, the Legislature intends to permit the  
127 establishment of offices of public guardians for the purpose of  
128 providing guardianship services for incapacitated persons when  
129 no private guardian is available.

130 (6) A public guardian will be provided only to those

131 persons whose needs cannot be met through less restrictive means  
 132 of intervention.

133 Section 5. Section 744.201, Florida Statutes, is  
 134 renumbered as section 744.1096, Florida Statutes.

135 Section 6. Section 744.202, Florida Statutes, is  
 136 renumbered as section 744.1097, Florida Statutes, and subsection  
 137 (3) of that section is amended, to read:

138 744.1097 ~~744.202~~ Venue.—

139 (3) When the residence of an incapacitated person is  
 140 changed to another county, the guardian shall petition to have  
 141 the venue of the guardianship changed to the county of the  
 142 acquired residence, except as provided in s. 744.1098 ~~s.~~  
 143 ~~744.2025.~~

144 Section 7. Section 744.2025, Florida Statutes, is  
 145 renumbered as section 744.1098, Florida Statutes.

146 Section 8. Section 744.7021, Florida Statutes, is  
 147 renumbered as section 744.2001, Florida Statutes, and amended to  
 148 read:

149 744.2001 ~~744.7021~~ ~~Statewide Public Guardianship Office of~~  
 150 Public and Professional Guardians.—There is ~~hereby~~ created the  
 151 Statewide Public Guardianship Office of Public and Professional  
 152 Guardians within the Department of Elderly Affairs.

153 (1) The Secretary of Elderly Affairs shall appoint the  
 154 executive director, who shall be the head of the ~~Statewide~~  
 155 Public Guardianship Office of Public and Professional Guardians.  
 156 The executive director must be a member of The Florida Bar,

157 knowledgeable of guardianship law and of the social services  
 158 available to meet the needs of incapacitated persons, shall  
 159 serve on a full-time basis, and shall personally, or through a  
 160 representative ~~representatives~~ of the office, carry out the  
 161 purposes and functions of the ~~Statewide Public Guardianship~~  
 162 Office of Public and Professional Guardians in accordance with  
 163 state and federal law. The executive director shall serve at the  
 164 pleasure of and report to the secretary.

165 (2) The executive director shall, within available  
 166 resources:r

167 (a) Have oversight responsibilities for all public and  
 168 professional guardians.

169 (b) Establish standards of practice for public and  
 170 professional guardians by rule, in consultation with  
 171 professional guardianship associations and other interested  
 172 stakeholders, no later than October 1, 2016. The executive  
 173 director shall provide a draft of the standards to the Governor,  
 174 the Legislature, and the secretary for review by August 1, 2016.

175 (c) Review and approve the standards and criteria for the  
 176 education, registration, and certification of public and  
 177 professional guardians in Florida.

178 (3) The executive director's oversight responsibilities of  
 179 professional guardians must be finalized by October 1, 2016, and  
 180 shall include, but are not limited to:

181 (a) Developing and implementing a monitoring tool to  
 182 ensure compliance of professional guardians with the standards

183 of practice established by the Office of Public and Professional  
184 Guardians. This monitoring tool may not include a financial  
185 audit as required by the clerk of the circuit court under s.  
186 744.368.

187 (b) Developing procedures, in consultation with  
188 professional guardianship associations and other interested  
189 stakeholders, for the review of an allegation that a  
190 professional guardian has violated the standards of practice  
191 established by the Office of Public and Professional Guardians  
192 governing the conduct of professional guardians.

193 (c) Establishing disciplinary proceedings, conducting  
194 hearings, and taking administrative action pursuant to chapter  
195 120.

196 (4) The executive director's oversight responsibilities of  
197 public guardians shall include, but are not limited to:

198 (a) Reviewing ~~The executive director shall review~~ the  
199 current public guardian programs in Florida and other states.

200 (b) Developing ~~The executive director,~~ in consultation  
201 with local guardianship offices and other interested  
202 stakeholders, shall develop statewide performance measures ~~and~~  
203 ~~standards.~~

204 (c) Reviewing ~~The executive director shall review~~ the  
205 various methods of funding public guardianship programs, the  
206 kinds of services being provided by such programs, and the  
207 demographics of the wards. In addition, the executive director  
208 shall review and make recommendations regarding the feasibility



209 of recovering a portion or all of the costs of providing public  
 210 guardianship services from the assets or income of the wards.

211 (d) By January 1 of each year, providing the executive  
 212 ~~director shall provide~~ a status report and ~~provide further~~  
 213 recommendations to the secretary which ~~that~~ address the need for  
 214 public guardianship services and related issues.

215 (e) Developing a guardianship training program curriculum  
 216 that may be offered to all guardians, whether public or private.

217 (5)(e) The executive director may provide assistance to  
 218 local governments or entities in pursuing grant opportunities.  
 219 The executive director shall review and make recommendations in  
 220 the annual report on the availability and efficacy of seeking  
 221 Medicaid matching funds. The executive director shall diligently  
 222 seek ways to use existing programs and services to meet the  
 223 needs of public wards.

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

228 (6)(3) The executive director may conduct or contract for  
 229 demonstration projects authorized by the Department of Elderly  
 230 Affairs, within funds appropriated or through gifts, grants, or  
 231 contributions for such purposes, to determine the feasibility or  
 232 desirability of new concepts of organization, administration,  
 233 financing, or service delivery designed to preserve the civil  
 234 and constitutional rights of persons of marginal or diminished

235 capacity. Any gifts, grants, or contributions for such purposes  
 236 shall be deposited in the Department of Elderly Affairs  
 237 Administrative Trust Fund.

238 Section 9. Section 744.1083, Florida Statutes, is  
 239 renumbered as section 744.2002, Florida Statutes, subsections  
 240 (1) through (5) of that section are amended, and subsections (7)  
 241 and (10) of that section are republished, to read:

242 744.2002 ~~744.1083~~ Professional guardian registration.—

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

246 (2) Annual registration shall be made on forms furnished  
 247 by the ~~Statewide Public Guardianship~~ Office of Public and  
 248 Professional Guardians and accompanied by the applicable  
 249 registration fee as determined by rule. The fee may not exceed  
 250 \$100.

251 (3) Registration must include the following:

252 (a) Sufficient information to identify the professional  
 253 guardian, as follows:

254 1. If the professional guardian is a natural person, the  
 255 name, address, date of birth, and employer identification or  
 256 social security number of the person.

257 2. If the professional guardian is a partnership or  
 258 association, the name, address, and employer identification  
 259 number of the entity.

260 (b) Documentation that the bonding and educational

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261 requirements of s. 744.2003 ~~s. 744.1085~~ have been met.

262 (c) Sufficient information to distinguish a guardian  
263 providing guardianship services as a public guardian,  
264 individually, through partnership, corporation, or any other  
265 business organization.

266 (4) Prior to registering a professional guardian, the  
267 ~~Statewide Public Guardianship~~ Office of Public and Professional  
268 Guardians must receive and review copies of the credit and  
269 criminal investigations conducted under s. 744.3135. The credit  
270 and criminal investigations must have been completed within the  
271 previous 2 years.

272 (5) The executive director of the office may deny  
273 registration to a professional guardian if the executive  
274 director determines that the guardian's proposed registration,  
275 including the guardian's credit or criminal investigations,  
276 indicates that registering the professional guardian would  
277 violate any provision of this chapter. If a guardian's proposed  
278 registration is denied, the guardian has standing to seek  
279 judicial review of the denial pursuant to chapter 120 ~~If a~~  
280 ~~guardian who is currently registered with the office violates a~~  
281 ~~provision of this chapter, the executive director of the office~~  
282 ~~may suspend or revoke the guardian's registration. If the~~  
283 ~~executive director denies registration to a professional~~  
284 ~~guardian or suspends or revokes a professional guardian's~~  
285 ~~registration, the Statewide Public Guardianship Office must send~~  
286 ~~written notification of the denial, suspension, or revocation to~~

287 ~~the chief judge of each judicial circuit in which the guardian~~  
288 ~~was serving on the day of the office's decision to deny,~~  
289 ~~suspend, or revoke the registration.~~

290 (7) A trust company, a state banking corporation or state  
291 savings association authorized and qualified to exercise  
292 fiduciary powers in this state, or a national banking  
293 association or federal savings and loan association authorized  
294 and qualified to exercise fiduciary powers in this state, may,  
295 but is not required to, register as a professional guardian  
296 under this section. If a trust company, state banking  
297 corporation, state savings association, national banking  
298 association, or federal savings and loan association described  
299 in this subsection elects to register as a professional guardian  
300 under this subsection, the requirements of subsections (3) and  
301 (4) do not apply and the registration must include only the  
302 name, address, and employer identification number of the  
303 registrant, the name and address of its registered agent, if  
304 any, and the documentation described in paragraph (3)(b).

305 (10) A state college or university or an independent  
306 college or university that is located and chartered in Florida,  
307 that is accredited by the Commission on Colleges of the Southern  
308 Association of Colleges and Schools or the Accrediting Council  
309 for Independent Colleges and Schools, and that confers degrees  
310 as defined in s. 1005.02(7) may, but is not required to,  
311 register as a professional guardian under this section. If a  
312 state college or university or independent college or university

313 elects to register as a professional guardian under this  
314 subsection, the requirements of subsections (3) and (4) do not  
315 apply and the registration must include only the name, address,  
316 and employer identification number of the registrant.

317 Section 10. Section 744.1085, Florida Statutes, is  
318 renumbered as section 744.2003, Florida Statutes, subsections  
319 (3), (6), and (9) of that section are amended, and subsection  
320 (8) of that section is republished, to read:

321 744.2003 ~~744.1085~~ Regulation of professional guardians;  
322 application; bond required; educational requirements.—

323 (3) Each professional guardian defined in s. 744.102(17)  
324 and public guardian must receive a minimum of 40 hours of  
325 instruction and training. Each professional guardian must  
326 receive a minimum of 16 hours of continuing education every 2  
327 calendar years after the year in which the initial 40-hour  
328 educational requirement is met. The instruction and education  
329 must be completed through a course approved or offered by the  
330 ~~Statewide Public Guardianship Office~~ of Public and Professional  
331 Guardians. The expenses incurred to satisfy the educational  
332 requirements prescribed in this section may not be paid with the  
333 assets of any ward. This subsection does not apply to any  
334 attorney who is licensed to practice law in this state or an  
335 institution acting as guardian under s. 744.2002(7).

336 (6) ~~After July 1, 2005,~~ Each professional guardian is  
337 ~~shall be~~ required to demonstrate competency to act as a  
338 professional guardian by taking an examination approved by the

339 Department of Elderly Affairs.

340 (a) The Department of Elderly Affairs shall determine the  
 341 minimum examination score necessary for passage of guardianship  
 342 examinations.

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

345 (c) The Department of Elderly Affairs or its contractor  
 346 shall charge an examination fee for the actual costs of the  
 347 development and the administration of the examination. The  
 348 examination fee for a guardian may, not ~~to~~ exceed \$500.

349 (d) The Department of Elderly Affairs may recognize  
 350 passage of a national guardianship examination in lieu of all or  
 351 part of the examination approved by the Department of Elderly  
 352 Affairs, except that all professional guardians must take and  
 353 pass an approved examination section related to Florida law and  
 354 procedure.

355 (8) The Department of Elderly Affairs shall waive the  
 356 examination requirement in subsection (6) if a professional  
 357 guardian can provide:

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

360 (b) A letter from a circuit judge before whom the  
 361 professional guardian practiced at least 1 year which states  
 362 that the professional guardian had demonstrated to the court  
 363 competency as a professional guardian.

364 (9) ~~After July 1, 2004,~~ The court may ~~shall~~ not appoint

365 any professional guardian who is ~~has~~ not registered by the  
366 Office of Public and Professional Guardians ~~met the requirements~~  
367 ~~of this section and s. 744.1083.~~

368 Section 11. Section 744.2004, Florida Statutes, is created  
369 to read:

370 744.2004 Complaints; disciplinary proceedings; penalties;  
371 enforcement.-

372 (1) By October 1, 2016, the Office of Public and  
373 Professional Guardians shall establish procedures to:

374 (a) Review and, if determined legally sufficient,  
375 investigate any complaint that a professional guardian has  
376 violated the standards of practice established by the Office of  
377 Public and Professional Guardians governing the conduct of  
378 professional guardians. A complaint is legally sufficient if it  
379 contains ultimate facts that show a violation of a standard of  
380 practice by a professional guardian has occurred.

381 (b) Initiate an investigation no later than 10 business  
382 days after the Office of Public and Professional Guardians  
383 receives a complaint.

384 (c) Complete and provide initial investigative findings  
385 and recommendations, if any, to the professional guardian and  
386 the person who filed the complaint within 60 days of receipt.

387 (d) Obtain supporting information or documentation to  
388 determine the legal sufficiency of a complaint.

389 (e) Interview a ward, family member, or interested party  
390 to determine the legal sufficiency of a complaint.

391 (f) Dismiss any complaint if, at any time after legal  
 392 sufficiency is determined, it is found there is insufficient  
 393 evidence to support the allegations contained in the complaint.

394 (g) Coordinate, to the greatest extent possible, with the  
 395 clerks of court to avoid duplication of duties with regard to  
 396 the financial audits prepared by the clerks pursuant to s.  
 397 744.368.

398 (2) The Office of Public and Professional Guardians shall  
 399 establish disciplinary proceedings, conduct hearings, and take  
 400 administrative action pursuant to chapter 120. Disciplinary  
 401 actions may include, but are not limited to, requiring a  
 402 professional guardian to participate in additional educational  
 403 courses provided or approved by the Office of Public and  
 404 Professional Guardians, imposing additional monitoring by the  
 405 office of the guardianships to which the professional guardian  
 406 is appointed, and suspension or revocation of a professional  
 407 guardian's registration.

408 (3) In any disciplinary proceeding that may result in the  
 409 suspension or revocation of a professional guardian's  
 410 registration, the Department of Elderly Affairs shall provide  
 411 the professional guardian and the person who filed the  
 412 complaint:

413 (a) A written explanation of how an administrative  
 414 complaint is resolved by the disciplinary process.

415 (b) A written explanation of how and when the person may  
 416 participate in the disciplinary process.



417 (c) A written notice of any hearing before the Division of  
418 Administrative Hearings at which final agency action may be  
419 taken.

420 (4) If the office makes a final determination to suspend  
421 or revoke the professional guardian's registration, it must  
422 provide such determination to the court of competent  
423 jurisdiction for any guardianship case to which the professional  
424 guardian is currently appointed.

425 (5) If the office determines or has reasonable cause to  
426 suspect that a vulnerable adult has been or is being abused,  
427 neglected, or exploited as a result of a filed complaint or  
428 during the course of an investigation of a complaint, it shall  
429 immediately report such determination or suspicion to the  
430 central abuse hotline established and maintained by the  
431 Department of Children and Families pursuant to s. 415.103.

432 (6) By October 1, 2016, the Department of Elderly Affairs  
433 shall adopt rules to implement the provisions of this section.

434 Section 12. Section 744.344, Florida Statutes, is  
435 renumbered as section 744.2005, Florida Statutes, and amended to  
436 read:

437 744.2005 ~~744.344~~ Order of appointment.—

438 (1) The court may hear testimony on the question of who is  
439 entitled to preference in the appointment of a guardian. Any  
440 interested person may intervene in the proceedings.

441 (2) The order appointing a guardian must state the nature  
442 of the guardianship as either plenary or limited. If limited,

443 the order must state that the guardian may exercise only those  
444 delegable rights which have been removed from the incapacitated  
445 person and specifically delegated to the guardian. The order  
446 shall state the specific powers and duties of the guardian.

447 (3)~~(2)~~ The order appointing a guardian must be consistent  
448 with the incapacitated person's welfare and safety, must be the  
449 least restrictive appropriate alternative, and must reserve to  
450 the incapacitated person the right to make decisions in all  
451 matters commensurate with the person's ability to do so.

452 (4)~~(3)~~ If a petition for appointment of a guardian has  
453 been filed, an order appointing a guardian must be issued  
454 contemporaneously with the order adjudicating the person  
455 incapacitated. The order must specify the amount of the bond to  
456 be given by the guardian and must state specifically whether the  
457 guardian must place all, or part, of the property of the ward in  
458 a restricted account in a financial institution designated  
459 pursuant to s. 69.031.

460 (5)~~(4)~~ If a petition for the appointment of a guardian has  
461 not been filed or ruled upon at the time of the hearing on the  
462 petition to determine capacity, the court may appoint an  
463 emergency temporary guardian in the manner and for the purposes  
464 specified in s. 744.3031.

465 (6)~~(5)~~ A plenary guardian shall exercise all delegable  
466 rights and powers of the incapacitated person.

467 (7)~~(6)~~ A person for whom a limited guardian has been  
468 appointed retains all legal rights except those that ~~which~~ have

469 | been specifically granted to the guardian in the court's written  
 470 | order.

471 |       Section 13. Section 744.703, Florida Statutes, is  
 472 | renumbered as section 744.2006, Florida Statutes, and  
 473 | subsections (1) and (6) of that section are amended, to read:

474 |       744.2006 ~~744.703~~ Office of Public and Professional  
 475 | Guardians ~~guardian~~; appointment, notification.—

476 |       (1) The executive director of the ~~Statewide Public~~  
 477 | ~~Guardianship~~ Office of Public and Professional Guardians, after  
 478 | consultation with the chief judge and other circuit judges  
 479 | within the judicial circuit and with appropriate advocacy groups  
 480 | and individuals and organizations who are knowledgeable about  
 481 | the needs of incapacitated persons, may establish, within a  
 482 | county in the judicial circuit or within the judicial circuit,  
 483 | one or more offices of public guardian and if so established,  
 484 | shall create a list of persons best qualified to serve as the  
 485 | public guardian, who have been investigated pursuant to s.  
 486 | 744.3135. The public guardian must have knowledge of the legal  
 487 | process and knowledge of social services available to meet the  
 488 | needs of incapacitated persons. The public guardian shall  
 489 | maintain a staff or contract with professionally qualified  
 490 | individuals to carry out the guardianship functions, including  
 491 | an attorney who has experience in probate areas and another  
 492 | person who has a master's degree in social work, or a  
 493 | gerontologist, psychologist, registered nurse, or nurse  
 494 | practitioner. A public guardian that is a nonprofit corporate

495 guardian under s. 744.309(5) must receive tax-exempt status from  
 496 the United States Internal Revenue Service.

497 (6) Public guardians who have been previously appointed by  
 498 a chief judge prior to the effective date of this act pursuant  
 499 to this section may continue in their positions until the  
 500 expiration of their term pursuant to their agreement. However,  
 501 oversight of all public guardians shall transfer to the  
 502 ~~Statewide Public Guardianship Office~~ of Public and Professional  
 503 Guardians upon the effective date of this act. The executive  
 504 director of the ~~Statewide Public Guardianship Office~~ of Public  
 505 and Professional Guardians shall be responsible for all future  
 506 appointments of public guardians pursuant to this act.

507 Section 14. Section 744.704, Florida Statutes, is  
 508 renumbered as section 744.2007, Florida Statutes.

509 Section 15. Section 744.705, Florida Statutes, is  
 510 renumbered as section 744.2008, Florida Statutes.

511 Section 16. Section 744.706, Florida Statutes, is  
 512 renumbered as section 744.2009, Florida Statutes, and amended to  
 513 read:

514 744.2009 ~~744.706~~ Preparation of budget.—Each public  
 515 guardian, whether funded in whole or in part by money raised  
 516 through local efforts, grants, or any other source or whether  
 517 funded in whole or in part by the state, shall prepare a budget  
 518 for the operation of the office of public guardian to be  
 519 submitted to the ~~Statewide Public Guardianship Office~~ of Public  
 520 and Professional Guardians. As appropriate, the ~~Statewide Public~~

521 ~~Guardianship~~ Office of Public and Professional Guardians will  
 522 include such budgetary information in the Department of Elderly  
 523 Affairs' legislative budget request. The office of public  
 524 guardian shall be operated within the limitations of the General  
 525 Appropriations Act and any other funds appropriated by the  
 526 Legislature to that particular judicial circuit, subject to the  
 527 provisions of chapter 216. The Department of Elderly Affairs  
 528 shall make a separate and distinct request for an appropriation  
 529 for the ~~Statewide Public Guardianship~~ Office of Public and  
 530 Professional Guardians. However, this section may ~~shall~~ not be  
 531 construed to preclude the financing of any operations of the  
 532 office of ~~the~~ public guardian by moneys raised through local  
 533 effort or through the efforts of the ~~Statewide Public~~  
 534 ~~Guardianship~~ Office of Public and Professional Guardians.

535 Section 17. Section 744.707, Florida Statutes, is  
 536 renumbered as section 744.2101, Florida Statutes, and amended to  
 537 read:

538 744.2101 ~~744.707~~ Procedures and rules.—The public  
 539 guardian, subject to the oversight of the ~~Statewide Public~~  
 540 ~~Guardianship~~ Office of Public and Professional Guardians, is  
 541 authorized to:

542 (1) Formulate and adopt necessary procedures to assure the  
 543 efficient conduct of the affairs of the ward and general  
 544 administration of the office and staff.

545 (2) Contract for services necessary to discharge the  
 546 duties of the office.

547 (3) Accept the services of volunteer persons or  
 548 organizations and provide reimbursement for proper and necessary  
 549 expenses.

550 Section 18. Section 744.709, Florida Statutes, is  
 551 renumbered as section 744.2102, Florida Statutes.

552 Section 19. Section 744.708, Florida Statutes, is  
 553 renumbered as section 744.2103, Florida Statutes, and  
 554 subsections (3), (4), (5), and (7) of that section are amended,  
 555 to read:

556 744.2103 ~~744.708~~ Reports and standards.—

557 (3) A public guardian shall file an annual report on the  
 558 operations of the office of public guardian, in writing, by  
 559 September 1 for the preceding fiscal year with the ~~Statewide~~  
 560 ~~Public Guardianship~~ Office of Public and Professional Guardians,  
 561 which shall have responsibility for supervision of the  
 562 operations of the office of public guardian.

563 (4) Within 6 months of his or her appointment as guardian  
 564 of a ward, the public guardian shall submit to the clerk of the  
 565 court for placement in the ward's guardianship file and to the  
 566 executive director of the ~~Statewide Public Guardianship~~ Office  
 567 of Public and Professional Guardians a report on his or her  
 568 efforts to locate a family member or friend, other person, bank,  
 569 or corporation to act as guardian of the ward and a report on  
 570 the ward's potential to be restored to capacity.

571 (5) (a) Each office of public guardian shall undergo an  
 572 independent audit by a qualified certified public accountant at

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573 least once every 2 years. A copy of the audit report shall be  
574 submitted to the ~~Statewide Public Guardianship~~ Office of Public  
575 and Professional Guardians.

576 (b) In addition to regular monitoring activities, the  
577 ~~Statewide Public Guardianship~~ Office of Public and Professional  
578 Guardians shall conduct an investigation into the practices of  
579 each office of public guardian related to the managing of each  
580 ward's personal affairs and property. If feasible, the  
581 investigation shall be conducted in conjunction with the  
582 financial audit of each office of public guardian under  
583 paragraph (a).

584 (7) The ratio for professional staff to wards shall be 1  
585 professional to 40 wards. The ~~Statewide Public Guardianship~~  
586 Office of Public and Professional Guardians may increase or  
587 decrease the ratio after consultation with the local public  
588 guardian and the chief judge of the circuit court. The basis for  
589 the decision to increase or decrease the prescribed ratio must  
590 be included in the annual report to the secretary.

591 Section 20. Section 744.7081, Florida Statutes, is  
592 renumbered as section 744.2104, Florida Statutes, and amended to  
593 read:

594 744.2104 ~~744.7081~~ Access to records by the ~~Statewide~~  
595 ~~Public Guardianship~~ Office of Public and Professional Guardians;  
596 confidentiality.—

597 (1) Notwithstanding any other provision of law to the  
598 contrary, any medical, financial, or mental health records held

599 | by an agency, or the court and its agencies, or financial audits  
 600 | prepared by the clerk of the court pursuant to s. 744.368 and  
 601 | held by the court, which are necessary as part of an  
 602 | investigation of a guardian as a result of a complaint filed  
 603 | with the Office of Public and Professional Guardians to evaluate  
 604 | the public guardianship system, to assess the need for  
 605 | additional public guardianship, or to develop required reports,  
 606 | shall be provided to the ~~Statewide Public Guardianship~~ Office of  
 607 | Public and Professional Guardians upon that office's request.  
 608 | Any confidential or exempt information provided to the ~~Statewide~~  
 609 | ~~Public Guardianship~~ Office of Public and Professional Guardians  
 610 | shall continue to be held confidential or exempt as otherwise  
 611 | provided by law.

612 |       (2) All records held by the ~~Statewide Public Guardianship~~  
 613 | Office of Public and Professional Guardians relating to the  
 614 | medical, financial, or mental health of vulnerable adults as  
 615 | defined in chapter 415, persons with a developmental disability  
 616 | as defined in chapter 393, or persons with a mental illness as  
 617 | defined in chapter 394, shall be confidential and exempt from s.  
 618 | 119.07(1) and s. 24(a), Art. I of the State Constitution.

619 |       Section 21. Section 744.7082, Florida Statutes, is  
 620 | renumbered as section 744.2105, Florida Statutes, and  
 621 | subsections (1) through (5) and (8) of that section are amended,  
 622 | to read:

623 |       744.2105 ~~744.7082~~ Direct-support organization; definition;  
 624 | use of property; board of directors; audit; dissolution.—



625 (1) DEFINITION.—As used in this section, the term "direct-  
 626 support organization" means an organization whose sole purpose  
 627 is to support the ~~Statewide Public Guardianship~~ Office of Public  
 628 and Professional Guardians and is:

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

631 (b) Organized and operated to conduct programs and  
 632 activities; to raise funds; to request and receive grants,  
 633 gifts, and bequests of moneys; to acquire, receive, hold,  
 634 invest, and administer, in its own name, securities, funds,  
 635 objects of value, or other property, real or personal; and to  
 636 make expenditures to or for the direct or indirect benefit of  
 637 the ~~Statewide Public Guardianship~~ Office of Public and  
 638 Professional Guardians; and

639 (c) Determined by the ~~Statewide Public Guardianship~~ Office  
 640 of Public and Professional Guardians to be consistent with the  
 641 goals of the office, in the best interests of the state, and in  
 642 accordance with the adopted goals and mission of the Department  
 643 of Elderly Affairs and the ~~Statewide Public Guardianship~~ Office  
 644 of Public and Professional Guardians.

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

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

651 support organization is complying with the terms of the contract  
 652 and is doing so consistent with the goals and purposes of the  
 653 office and in the best interests of the state. This  
 654 certification must be made annually and reported in the official  
 655 minutes of a meeting of the direct-support organization.

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

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

661 2. To the ~~Statewide Public Guardianship~~ Office of Public  
 662 and Professional Guardians if the direct-support organization  
 663 ceases to exist;

664 3. To the Department of Elderly Affairs if the ~~Statewide~~  
 665 ~~Public Guardianship~~ Office of Public and Professional Guardians  
 666 ceases to exist; or

667 4. To the state if the Department of Elderly Affairs  
 668 ceases to exist.

669  
 670 The fiscal year of the direct-support organization shall begin  
 671 on July 1 of each year and end on June 30 of the following year.

672 (c) The disclosure of the material provisions of the  
 673 contract, and the distinction between the ~~Statewide Public~~  
 674 ~~Guardianship~~ Office of Public and Professional Guardians and the  
 675 direct-support organization, to donors of gifts, contributions,  
 676 or bequests, including such disclosure on all promotional and

677 fundraising publications.

678 (3) BOARD OF DIRECTORS.—The Secretary of Elderly Affairs  
679 shall appoint a board of directors for the direct-support  
680 organization from a list of nominees submitted by the executive  
681 director of the ~~Statewide Public Guardianship~~ Office of Public  
682 and Professional Guardians.

683 (4) USE OF PROPERTY.—The Department of Elderly Affairs may  
684 permit, without charge, appropriate use of fixed property and  
685 facilities of the department or the ~~Statewide Public~~  
686 ~~Guardianship~~ Office of Public and Professional Guardians by the  
687 direct-support organization. The department may prescribe any  
688 condition with which the direct-support organization must comply  
689 in order to use fixed property or facilities of the department  
690 or the ~~Statewide Public Guardianship~~ Office of Public and  
691 Professional Guardians.

692 (5) MONEYS.—Any moneys may be held in a separate  
693 depository account in the name of the direct-support  
694 organization and subject to the provisions of the written  
695 contract with the ~~Statewide Public Guardianship~~ Office of Public  
696 and Professional Guardians. Expenditures of the direct-support  
697 organization shall be expressly used to support the ~~Statewide~~  
698 ~~Public Guardianship~~ Office of Public and Professional Guardians.  
699 The expenditures of the direct-support organization may not be  
700 used for the purpose of lobbying as defined in s. 11.045.

701 (8) DISSOLUTION.—~~A After July 1, 2004, any not-for-profit~~  
702 corporation incorporated under chapter 617 that is determined by

703 a circuit court to be representing itself as a direct-support  
704 organization created under this section, but that does not have  
705 a written contract with the ~~Statewide Public Guardianship~~ Office  
706 of Public and Professional Guardians in compliance with this  
707 section, is considered to meet the grounds for a judicial  
708 dissolution described in s. 617.1430(1)(a). The ~~Statewide Public~~  
709 ~~Guardianship~~ Office of Public and Professional Guardians shall  
710 be the recipient for all assets held by the dissolved  
711 corporation which accrued during the period that the dissolved  
712 corporation represented itself as a direct-support organization  
713 created under this section.

714 Section 22. Section 744.712, Florida Statutes, is  
715 renumbered as section 744.2106, Florida Statutes, and amended to  
716 read:

717 744.2106 ~~744.712~~ Joining Forces for Public Guardianship  
718 grant program; purpose.—The Legislature establishes the Joining  
719 Forces for Public Guardianship matching grant program for the  
720 purpose of assisting counties to establish and fund community-  
721 supported public guardianship programs. The Joining Forces for  
722 Public Guardianship matching grant program shall be established  
723 and administered by the ~~Statewide Public Guardianship~~ Office of  
724 Public and Professional Guardians within the Department of  
725 Elderly Affairs. The purpose of the program is to provide  
726 startup funding to encourage communities to develop and  
727 administer locally funded and supported public guardianship  
728 programs to address the needs of indigent and incapacitated

729 residents.

730 (1) The ~~Statewide Public Guardianship~~ Office of Public and  
731 Professional Guardians may distribute the grant funds as  
732 follows:

733 (a) As initial startup funding to encourage counties that  
734 have no office of public guardian to establish an office, or as  
735 initial startup funding to open an additional office of public  
736 guardian within a county whose public guardianship needs require  
737 more than one office of public guardian.

738 (b) As support funding to operational offices of public  
739 guardian that demonstrate a necessity for funds to meet the  
740 public guardianship needs of a particular geographic area in the  
741 state which the office serves.

742 (c) To assist counties that have an operating public  
743 guardianship program but that propose to expand the geographic  
744 area or population of persons they serve, or to develop and  
745 administer innovative programs to increase access to public  
746 guardianship in this state.

747  
748 Notwithstanding this subsection, the executive director of the  
749 office may award emergency grants if he or she determines that  
750 the award is in the best interests of public guardianship in  
751 this state. Before making an emergency grant, the executive  
752 director must obtain the written approval of the Secretary of  
753 Elderly Affairs. Subsections (2), (3), and (4) do not apply to  
754 the distribution of emergency grant funds.

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

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

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

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

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

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

780 (e) In the sixth year that grant funds are awarded, the

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781 cumulative sum of the award provided to one or more applicants  
782 within the same county may not exceed 15 percent of the total  
783 amount of grant funds awarded within that county in year one.

784

785 The ~~Statewide Public Guardianship~~ Office of Public and  
786 Professional Guardians may not award grant funds to any  
787 applicant within a county that has received grant funds for more  
788 than 6 years.

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

793 (5) Implementation of the program is subject to a specific  
794 appropriation by the Legislature in the General Appropriations  
795 Act.

796 Section 23. Section 744.713, Florida Statutes, is  
797 renumbered as section 744.2107, Florida Statutes, and amended to  
798 read:

799 744.2107 ~~744.713~~ Program administration; duties of the  
800 ~~Statewide Public Guardianship~~ Office of Public and Professional  
801 Guardians.—The ~~Statewide Public Guardianship~~ Office of Public  
802 and Professional Guardians shall administer the grant program.  
803 The office shall:

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

806 (2) Establish an application process for submitting a

807 grant proposal.

808 (3) Request, receive, and review proposals from applicants  
809 seeking grant funds.

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

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

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

817 Section 24. Section 744.714, Florida Statutes, is  
818 renumbered as section 744.2108, Florida Statutes, and paragraph  
819 (b) of subsection (1) and paragraph (b) of subsection (2) of  
820 that section are amended, to read:

821 744.2108 ~~744.714~~ Eligibility.—

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

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

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

832 (b) The applicant must have been appointed by, or is



833 pending reappointment by, the ~~Statewide Public Guardianship~~  
834 Office of Public and Professional Guardians to be an office of  
835 public guardian in this state.

836 Section 25. Section 744.715, Florida Statutes, is  
837 renumbered as section 744.2109, Florida Statutes, and amended to  
838 read:

839 744.2109 ~~744.715~~ Grant application requirements; review  
840 criteria; awards process.—Grant applications must be submitted  
841 to the ~~Statewide Public Guardianship~~ Office of Public and  
842 Professional Guardians for review and approval.

843 (1) A grant application must contain:

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

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

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

851 (d) Evidence that the applicant has:

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

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

858 (e) An agreement or confirmation from a local funding

859 source, such as a county, municipality, or any other public or  
860 private organization, that the local funding source will  
861 contribute matching funds to the public guardianship program  
862 totaling not less than \$1 for every \$1 of grant funds awarded.  
863 For purposes of this section, an applicant may provide evidence  
864 of agreements or confirmations from multiple local funding  
865 sources showing that the local funding sources will pool their  
866 contributed matching funds to the public guardianship program  
867 for a combined total of not less than \$1 for every \$1 of grant  
868 funds awarded. In-kind contributions, such as materials,  
869 commodities, office space, or other types of facilities,  
870 personnel services, or other items as determined by rule shall  
871 be considered by the office and may be counted as part or all of  
872 the local matching funds.

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

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

878 (2) If the ~~Statewide Public Guardianship~~ Office of Public  
879 and Professional Guardians determines that an applicant meets  
880 the requirements for an award of grant funds, the office may  
881 award the applicant any amount of grant funds the executive  
882 director deems appropriate, if the amount awarded meets the  
883 requirements of this act. The office may adopt a rule allocating  
884 the maximum allowable amount of grant funds which may be

885 expended on any ward.

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

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

892 1. Are operating as appointed offices of public guardians  
893 in this state;

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

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

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

903 1. Meet all of the requirements of this section and ss.  
904 744.2106, 744.2107, and 744.2108 ~~this act~~ for being awarded  
905 grant funds; and

906 2. Submit with their application an agreement or  
907 confirmation from a local funding source, such as a county,  
908 municipality, or any other public or private organization, that  
909 the local funding source will contribute matching funds totaling  
910 an amount equal to or exceeding \$2 for every \$1 of grant funds

911 awarded by the office. An entity may submit with its application  
912 agreements or confirmations from multiple local funding sources  
913 showing that the local funding sources will pool their  
914 contributed matching funds to the public guardianship program  
915 for a combined total of not less than \$2 for every \$1 of grant  
916 funds awarded. In-kind contributions allowable under this  
917 section shall be evaluated by the ~~Statewide Public Guardianship~~  
918 Office of Public and Professional Guardians and may be counted  
919 as part or all of the local matching funds.

920 Section 26. Subsection (3), paragraph (c) of subsection  
921 (4), and subsections (5) and (6) of section 744.3135, Florida  
922 Statutes, are amended to read:

923 744.3135 Credit and criminal investigation.—

924 (3) For professional guardians, the court and the  
925 ~~Statewide Public Guardianship~~ Office of Public and Professional  
926 Guardians shall accept the satisfactory completion of a criminal  
927 history record check by any method described in this subsection.  
928 A professional guardian satisfies the requirements of this  
929 section by undergoing an electronic fingerprint criminal history  
930 record check. A professional guardian may use any electronic  
931 fingerprinting equipment used for criminal history record  
932 checks. By October 1, 2016, the ~~Statewide Public Guardianship~~  
933 Office of Public and Professional Guardians shall adopt a rule  
934 detailing the acceptable methods for completing an electronic  
935 fingerprint criminal history record check under this section.  
936 The professional guardian shall pay the actual costs incurred by

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937 the Federal Bureau of Investigation and the Department of Law  
938 Enforcement for the criminal history record check. The entity  
939 completing the record check must immediately send the results of  
940 the criminal history record check to the clerk of the court and  
941 the ~~Statewide Public Guardianship~~ Office of Public and  
942 Professional Guardians. The clerk of the court shall maintain  
943 the results in the professional guardian's file and shall make  
944 the results available to the court.

945 (4)

946 (c) The Department of Law Enforcement shall search all  
947 arrest fingerprints received under s. 943.051 against the  
948 fingerprints retained in the statewide automated biometric  
949 identification system under paragraph (b). Any arrest record  
950 that is identified with the fingerprints of a person described  
951 in this paragraph must be reported to the clerk of court. The  
952 clerk of court must forward any arrest record received for a  
953 professional guardian to the ~~Statewide Public Guardianship~~  
954 Office of Public and Professional Guardians within 5 days. Each  
955 professional guardian who elects to submit fingerprint  
956 information electronically shall participate in this search  
957 process by paying an annual fee to the ~~Statewide Public~~  
958 ~~Guardianship~~ Office of Public and Professional Guardians of the  
959 Department of Elderly Affairs and by informing the clerk of  
960 court and the ~~Statewide Public Guardianship~~ Office of Public and  
961 Professional Guardians of any change in the status of his or her  
962 guardianship appointment. The amount of the annual fee to be

963 imposed for performing these searches and the procedures for the  
964 retention of professional guardian fingerprints and the  
965 dissemination of search results shall be established by rule of  
966 the Department of Law Enforcement. At least once every 5 years,  
967 the ~~Statewide Public Guardianship~~ Office of Public and  
968 Professional Guardians must request that the Department of Law  
969 Enforcement forward the fingerprints maintained under this  
970 section to the Federal Bureau of Investigation.

971 (5) (a) A professional guardian, and each employee of a  
972 professional guardian who has a fiduciary responsibility to a  
973 ward, must complete, at his or her own expense, an investigation  
974 of his or her credit history before and at least once every 2  
975 years after the date of the guardian's registration with the  
976 ~~Statewide Public Guardianship~~ Office of Public and Professional  
977 Guardians.

978 (b) By October 1, 2016, the ~~Statewide Public Guardianship~~  
979 Office of Public and Professional Guardians shall adopt a rule  
980 detailing the acceptable methods for completing a credit  
981 investigation under this section. If appropriate, the ~~Statewide~~  
982 ~~Public Guardianship~~ Office of Public and Professional Guardians  
983 may administer credit investigations. If the office chooses to  
984 administer the credit investigation, the office may adopt a rule  
985 setting a fee, not to exceed \$25, to reimburse the costs  
986 associated with the administration of a credit investigation.

987 (6) The ~~Statewide Public Guardianship~~ Office of Public and  
988 Professional Guardians may inspect at any time the results of

989 any credit or criminal history record check of a public or  
 990 professional guardian conducted under this section. The office  
 991 shall maintain copies of the credit or criminal history record  
 992 check results in the guardian's registration file. If the  
 993 results of a credit or criminal investigation of a public or  
 994 professional guardian have not been forwarded to the ~~Statewide~~  
 995 ~~Public Guardianship~~ Office of Public and Professional Guardians  
 996 by the investigating agency, the clerk of the court shall  
 997 forward copies of the results of the investigations to the  
 998 office upon receiving them.

999 Section 27. Section 744.701, Florida Statutes, is  
 1000 repealed.

1001 Section 28. Section 744.702, Florida Statutes, is  
 1002 repealed.

1003 Section 29. Section 744.7101, Florida Statutes, is  
 1004 repealed.

1005 Section 30. Section 744.711, Florida Statutes, is  
 1006 repealed.

1007 Section 31. Subsection (5) of section 400.148, Florida  
 1008 Statutes, is amended to read:

1009 400.148 Medicaid "Up-or-Out" Quality of Care Contract  
 1010 Management Program.—

1011 (5) The agency shall, jointly with the ~~Statewide Public~~  
 1012 ~~Guardianship~~ Office of Public and Professional Guardians,  
 1013 develop a system in the pilot project areas to identify Medicaid  
 1014 recipients who are residents of a participating nursing home or

1015 assisted living facility who have diminished ability to make  
 1016 their own decisions and who do not have relatives or family  
 1017 available to act as guardians in nursing homes listed on the  
 1018 Nursing Home Guide Watch List. The agency and the ~~Statewide~~  
 1019 ~~Public Guardianship~~ Office of Public and Professional Guardians  
 1020 shall give such residents priority for publicly funded  
 1021 guardianship services.

1022 Section 32. Paragraph (d) of subsection (3) of section  
 1023 744.331, Florida Statutes, is amended to read:

1024 744.331 Procedures to determine incapacity.—

1025 (3) EXAMINING COMMITTEE.—

1026 (d) A member of an examining committee must complete a  
 1027 minimum of 4 hours of initial training. The person must complete  
 1028 2 hours of continuing education during each 2-year period after  
 1029 the initial training. The initial training and continuing  
 1030 education program must be developed under the supervision of the  
 1031 ~~Statewide Public Guardianship~~ Office of Public and Professional  
 1032 Guardians, in consultation with the Florida Conference of  
 1033 Circuit Court Judges; the Elder Law and the Real Property,  
 1034 Probate and Trust Law sections of The Florida Bar; and the  
 1035 Florida State Guardianship Association; ~~and the Florida~~  
 1036 ~~Guardianship Foundation~~. The court may waive the initial  
 1037 training requirement for a person who has served for not less  
 1038 than 5 years on examining committees. If a person wishes to  
 1039 obtain his or her continuing education on the Internet or by  
 1040 watching a video course, the person must first obtain the



1041 approval of the chief judge before taking an Internet or video  
 1042 course.

1043 Section 33. Paragraph (a) of subsection (1) of section  
 1044 20.415, Florida Statutes, is amended to read:

1045 20.415 Department of Elderly Affairs; trust funds.—The  
 1046 following trust funds shall be administered by the Department of  
 1047 Elderly Affairs:

1048 (1) Administrative Trust Fund.

1049 (a) Funds to be credited to and uses of the trust fund  
 1050 shall be administered in accordance with ss. 215.32, 744.534,  
 1051 and 744.2001 ~~744.7021~~.

1052 Section 34. Paragraph (e) of subsection (2) of section  
 1053 415.1102, Florida Statutes, is amended to read:

1054 415.1102 Adult protection teams.—

1055 (2) Such teams may be composed of, but need not be limited  
 1056 to:

1057 (e) Public and professional guardians as described in part  
 1058 II ~~IX~~ of chapter 744.

1059 Section 35. Paragraph (a) of subsection (7) of section  
 1060 744.309, Florida Statutes, is amended to read:

1061 744.309 Who may be appointed guardian of a resident ward.—

1062 (7) FOR-PROFIT CORPORATE GUARDIAN.—A for-profit corporate  
 1063 guardian existing under the laws of this state is qualified to  
 1064 act as guardian of a ward if the entity is qualified to do  
 1065 business in the state, is wholly owned by the person who is the  
 1066 circuit's public guardian in the circuit where the corporate

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1067 guardian is appointed, has met the registration requirements of  
1068 s. 744.2002 ~~s. 744.1083~~, and posts and maintains a bond or  
1069 insurance policy under paragraph (a).

1070 (a) The for-profit corporate guardian must meet one of the  
1071 following requirements:

1072 1. Post and maintain a blanket fiduciary bond of at least  
1073 \$250,000 with the clerk of the circuit court in the county in  
1074 which the corporate guardian has its principal place of  
1075 business. The corporate guardian shall provide proof of the  
1076 fiduciary bond to the clerks of each additional circuit court in  
1077 which he or she is serving as a guardian. The bond must cover  
1078 all wards for whom the corporation has been appointed as a  
1079 guardian at any given time. The liability of the provider of the  
1080 bond is limited to the face value of the bond, regardless of the  
1081 number of wards for whom the corporation is acting as a  
1082 guardian. The terms of the bond must cover the acts or omissions  
1083 of each agent or employee of the corporation who has direct  
1084 contact with the ward or access to the assets of the  
1085 guardianship. The bond must be payable to the Governor and his  
1086 or her successors in office and be conditioned on the faithful  
1087 performance of all duties of a guardian under this chapter. The  
1088 bond is in lieu of and not in addition to the bond required  
1089 under s. 744.2003 ~~s. 744.1085~~ but is in addition to any bonds  
1090 required under s. 744.351. The expenses incurred to satisfy the  
1091 bonding requirements of this section may not be paid with the  
1092 assets of any ward; or

1093           2. Maintain a liability insurance policy that covers any  
 1094 losses sustained by the guardianship caused by errors,  
 1095 omissions, or any intentional misconduct committed by the  
 1096 corporation's officers or agents. The policy must cover all  
 1097 wards for whom the corporation is acting as a guardian for  
 1098 losses up to \$250,000. The terms of the policy must cover acts  
 1099 or omissions of each agent or employee of the corporation who  
 1100 has direct contact with the ward or access to the assets of the  
 1101 guardianship. The corporate guardian shall provide proof of the  
 1102 policy to the clerk of each circuit court in which he or she is  
 1103 serving as a guardian.

1104           Section 36. Section 744.524, Florida Statutes, is amended  
 1105 to read:

1106           744.524 Termination of guardianship on change of domicile  
 1107 of resident ward.—When the domicile of a resident ward has  
 1108 changed as provided in s. 744.1098 ~~s. 744.2025~~, and the foreign  
 1109 court having jurisdiction over the ward at the ward's new  
 1110 domicile has appointed a guardian and that guardian has  
 1111 qualified and posted a bond in an amount required by the foreign  
 1112 court, the guardian in this state may file her or his final  
 1113 report and close the guardianship in this state. The guardian of  
 1114 the property in this state shall cause a notice to be published  
 1115 once a week for 2 consecutive weeks, in a newspaper of general  
 1116 circulation published in the county, that she or he has filed  
 1117 her or his accounting and will apply for discharge on a day  
 1118 certain and that jurisdiction of the ward will be transferred to

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1119 | the state of foreign jurisdiction. If an objection is filed to  
1120 | the termination of the guardianship in this state, the court  
1121 | shall hear the objection and enter an order either sustaining or  
1122 | overruling the objection. Upon the disposition of all objections  
1123 | filed, or if no objection is filed, final settlement shall be  
1124 | made by the Florida guardian. On proof that the remaining  
1125 | property in the guardianship has been received by the foreign  
1126 | guardian, the guardian of the property in this state shall be  
1127 | discharged. The entry of the order terminating the guardianship  
1128 | in this state shall not exonerate the guardian or the guardian's  
1129 | surety from any liability previously incurred.

1130 |         Section 37. This act shall take effect upon becoming a  
1131 | law.