

1 A bill to be entitled
 2 An act relating to guardianship proceedings; amending
 3 s. 744.1097, F.S.; revising provisions related to
 4 determination of venue in guardianship proceedings to
 5 include minors; amending s. 744.331, F.S.; providing
 6 procedures for a verified motion challenging the
 7 examining committee's conclusion; amending s.
 8 744.3701, F.S.; making technical changes; providing an
 9 effective date.

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

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 13 Section 1. Subsections (2), (3), and (4) of section
 14 744.1097, Florida Statutes, are amended to read:

15 744.1097 Venue.—

16 (2) The venue in proceedings for the appointment of a
 17 guardian shall be:

18 (a) If the incapacitated person or minor is a resident of
 19 this state, in the county where the incapacitated person or
 20 minor resides.

21 (b) If the incapacitated person or minor is not a resident
 22 of this state, in any county in this state where property of the
 23 incapacitated person or minor is located.

24 (c) If the incapacitated person or minor is not a resident
 25 of this state and owns no property in this state, in the county

26 | where any debtor of the incapacitated person or minor resides.

27 | (3) When the residence of an incapacitated person or minor
 28 | is changed to another county, the guardian shall petition to
 29 | have the venue of the guardianship changed to the county of the
 30 | acquired residence, except as provided in s. 744.1098.

31 | (4) If an incapacitated person or minor is a resident of
 32 | this state and is found in a county other than the county of
 33 | residence, the venue for declaration of incapacity and for the
 34 | appointment of a guardian may be the county where the
 35 | incapacitated person or minor is found. Upon transfer of the
 36 | incapacitated person or minor to the county of residence, the
 37 | guardian may have the venue of the guardianship changed to the
 38 | county of residence and a successor guardian may be appointed.

39 | Section 2. Subsection (4) of section 744.331, Florida
 40 | Statutes, is amended to read:

41 | 744.331 Procedures to determine incapacity.—

42 | (4) DISMISSAL OF PETITION.—If a majority of the examining
 43 | committee members conclude that the alleged incapacitated person
 44 | is not incapacitated in any respect, the court shall dismiss the
 45 | petition unless a verified motion challenging the examining
 46 | committee's conclusion is filed no later than 10 days after
 47 | service of the examining committee's most recent report pursuant
 48 | to subsection (3) or the court determines, without a motion,
 49 | that a hearing on the petition is advisable. The verified motion
 50 | must make a reasonable showing, by evidence in the record or

51 proffered by the petitioner, that a hearing on the petition is
 52 necessary. The court shall hold a hearing and rule on the
 53 verified motion as soon as is practicable. If the court finds
 54 that the verified motion is filed in bad faith, the court may
 55 impose costs and fees pursuant to paragraph (7)(c).

56 Section 3. Subsection (1) of section 744.3701, Florida
 57 Statutes, is amended to read:

58 744.3701 Confidentiality.-

59 (1) Unless otherwise ordered by the court, upon a showing
 60 of good cause, an initial, annual, or final guardianship report
 61 or amendment thereto, or a court record relating to the
 62 settlement of a claim, is subject to inspection ~~only~~ by any of
 63 the following:

64 (a) The court.

65 (b) The clerk or the clerk's representative.

66 (c) The guardian and the guardian's attorney.

67 (d) The guardian ad litem with regard to the settlement of
 68 the claim.

69 (e) The ward if he or she is at least 14 years of age and
 70 has not been determined to be totally incapacitated.

71 (f) The ward's attorney.

72 (g) The minor if he or she is at least 14 years of age.

73 ~~or~~

74 (h) The attorney representing the minor with regard to the
 75 minor's claim. ~~or~~

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76 | (i) A person ~~as~~ otherwise provided by this chapter.
77 | Section 4. This act shall take effect July 1, 2019.