

By Senator Gruters

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1 A bill to be entitled
2 An act relating to courts; amending s. 28.345, F.S.;
3 specifying that certain exemptions from court-related
4 fees and charges apply to certain entities; amending
5 s. 744.2008, F.S.; requiring the court to waive any
6 court costs or filing fees for certain proceedings
7 involving public guardians; amending s. 744.3675,
8 F.S.; providing that a certain examination report
9 related to annual guardianship plans may be prepared
10 by a physician assistant or an advanced practice
11 registered nurse; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 28.345, Florida Statutes, is amended to
16 read:

17 28.345 State access to records; exemption from court-
18 related fees and charges.—

19 (1) Notwithstanding any other provision of law, the clerk
20 of the circuit court shall, upon request, provide access to
21 public records without charge to the state attorney, public
22 defender, guardian ad litem, public guardian, attorney ad litem,
23 criminal conflict and civil regional counsel, and private court-
24 appointed counsel paid by the state, and to authorized staff
25 acting on their behalf. The clerk of court may provide the
26 requested public record in an electronic format in lieu of a
27 paper format if the requesting entity is capable of accessing
28 such public record electronically.

29 (2) Notwithstanding any other provision of this chapter or

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30 law to the contrary, judges and those court staff acting on
31 behalf of judges, state attorneys, guardians ad litem, public
32 guardians, attorneys ad litem, court-appointed private counsel,
33 criminal conflict and civil regional counsel, public defenders,
34 and state agencies, while acting in their official capacity, are
35 exempt from all court-related fees and charges assessed by the
36 clerks of the circuit courts.

37 (3) The exemptions from fees or charges provided in this
38 section apply only to entities listed in subsections (1) and
39 (2), state agencies and state entities, and the party
40 represented by the agency or entity.

41 Section 2. Subsection (2) of section 744.2008, Florida
42 Statutes, is amended to read:

43 744.2008 Costs of public guardian.—

44 (2) In any proceeding for appointment of a public guardian,
45 or in any proceeding involving the estate of a ward for whom a
46 public guardian has been appointed guardian, the court shall ~~may~~
47 waive any court costs or filing fees.

48 Section 3. Paragraph (b) of subsection (1) of section
49 744.3675, Florida Statutes, is amended to read:

50 744.3675 Annual guardianship plan.—Each guardian of the
51 person must file with the court an annual guardianship plan
52 which updates information about the condition of the ward. The
53 annual plan must specify the current needs of the ward and how
54 those needs are proposed to be met in the coming year.

55 (1) Each plan for an adult ward must, if applicable,
56 include:

57 (b) Information concerning the medical and mental health
58 conditions and treatment and rehabilitation needs of the ward,

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59 including:

60 1. A resume of any professional medical treatment given to
61 the ward during the preceding year.

62 2. The report of a physician, a physician assistant acting
63 pursuant to s. 458.347(4)(d) or s. 459.022(4)(d), or an advanced
64 practice registered nurse acting pursuant to s. 464.012(3), who
65 examined the ward no more than 90 days before the beginning of
66 the applicable reporting period. The report must contain an
67 evaluation of the ward's condition and a statement of the
68 current level of capacity of the ward.

69 3. The plan for providing medical, mental health, and
70 rehabilitative services in the coming year.

71 Section 4. This act shall take effect July 1, 2019.