

By Senator Bradley

5-00462-20

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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 under certain circumstances;  
12          providing an effective date.

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

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

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

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

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

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

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

44 744.2008 Costs of public guardian.—

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

49 Section 3. Paragraph (b) of subsection (1) of section  
50 744.3675, Florida Statutes, is amended to read:

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

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

58 (b) Information concerning the medical and mental health

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59 conditions and treatment and rehabilitation needs of the ward,  
60 including:

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

63 2. The report of a physician who examined the ward no more  
64 than 90 days before the beginning of the applicable reporting  
65 period. If the guardian has requested the primary physician to  
66 complete the evaluation and the physician has delegated the  
67 responsibility, the report may be prepared and signed by a  
68 physician assistant acting pursuant to s. 458.347(4) (d) or s.  
69 459.022(4) (d), or by an advanced practice registered nurse  
70 acting pursuant to s. 464.012(3). The report must contain an  
71 evaluation of the ward's condition and a statement of the  
72 current level of capacity of the ward.

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

75 Section 4. This act shall take effect July 1, 2020.