

By the Committee on Judiciary; and Senator Bradley

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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 certain examinations may be
9 performed and reports prepared by a physician
10 assistant or an advanced practice registered nurse
11 under certain circumstances; providing an effective
12 date.

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

15
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. Section 744.2008, Florida Statutes, is amended
43 to read:

44 744.2008 Costs of public guardian.—

45 (1) All costs of administration, ~~including filing fees,~~
46 shall be paid from the budget of the office of public guardian.
47 No costs of administration, including filing fees, shall be
48 recovered from the assets or the income of the ward.

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

53 Section 3. Paragraph (b) of subsection (1) of section
54 744.3675, Florida Statutes, is amended to read:

55 744.3675 Annual guardianship plan.—Each guardian of the
56 person must file with the court an annual guardianship plan
57 which updates information about the condition of the ward. The
58 annual plan must specify the current needs of the ward and how

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59 those needs are proposed to be met in the coming year.

60 (1) Each plan for an adult ward must, if applicable,
61 include:

62 (b) Information concerning the medical and mental health
63 conditions and treatment and rehabilitation needs of the ward,
64 including:

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

67 2. The report of a physician who examined the ward no more
68 than 90 days before the beginning of the applicable reporting
69 period. If the guardian has requested a physician to complete
70 the examination and prepare the report and the physician has
71 delegated that responsibility, the examination may be performed
72 and the report may be prepared and signed by a physician
73 assistant acting pursuant to s. 458.347(4)(h) or s.
74 459.022(4)(g), or by an advanced practice registered nurse
75 acting pursuant to s. 464.012(3). The report must contain an
76 evaluation of the ward's condition and a statement of the
77 current level of capacity of the ward.

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

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