

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Children, Families &
 2 Seniors Subcommittee

3 Representative Tramont offered the following:

4
 5 **Amendment (with title amendment)**

6 Between lines 91 and 92, insert:

7 Section 3. Subsections (2) and (3) of section 744.2001,
 8 Florida Statutes, are amended to read:

9 744.2001 Office of Public and Professional Guardians.—

10 There is created the Office of Public and Professional Guardians
 11 within the Department of Elderly Affairs.

12 (2) The executive director shall, within available
 13 resources:

14 (a) Have oversight responsibilities for all public and
 15 professional guardians.

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16 (b) Establish standards of practice for public and
17 professional guardians by rule, in consultation with
18 professional guardianship associations and other interested
19 stakeholders, ~~no later than October 1, 2016. The executive~~
20 ~~director shall provide a draft of the standards to the Governor,~~
21 ~~the Legislature, and the secretary for review by August 1, 2016.~~

22 (c) Review and approve the standards and criteria for the
23 education, registration, and certification of public and
24 professional guardians in Florida.

25 (d) Offer and make available online an education course to
26 satisfy the requirements of s. 744.3145(2).

27 (e) Produce and make available information about
28 alternatives to and types of guardianship for dissemination by
29 area agencies on aging as defined in s. 430.203 and aging
30 resource centers as described in s. 430.2053.

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

34 (a) Developing and implementing a monitoring tool to
35 ensure compliance of professional guardians with the standards
36 of practice established by the Office of Public and Professional
37 Guardians. This monitoring tool may not include a financial
38 audit as required by the clerk of the circuit court under s.
39 744.368.

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40 (b) Developing procedures, in consultation with
41 professional guardianship associations and other interested
42 stakeholders, for the review of an allegation that a
43 professional guardian has violated the standards of practice
44 established by the Office of Public and Professional Guardians
45 governing the conduct of professional guardians.

46 (c) Establishing disciplinary proceedings, conducting
47 hearings, and taking administrative action pursuant to chapter
48 120.

49 Section 4. Subsection (3) of section 744.2003, Florida
50 Statutes, is amended to read:

51 744.2003 Regulation of professional guardians;
52 application; bond required; educational requirements.—

53 (3) Each professional guardian as defined in s.
54 744.102(17) and public guardian must receive a minimum of 40
55 hours of instruction and training. Each professional guardian
56 must receive a minimum of 30 ~~16~~ hours of continuing education
57 every 2 calendar years after the year in which the initial 40-
58 hour educational requirement is met. The required continuing
59 education must include at least 2 hours on fiduciary
60 responsibilities; 2 hours on professional ethics; 1 hour on
61 advance directives; 3 hours on abuse, neglect, and exploitation;
62 and 4 hours on guardianship law. The instruction and education
63 must be completed through a course approved or offered by the
64 Office of Public and Professional Guardians. The expenses

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65 incurred to satisfy the educational requirements prescribed in
66 this section may not be paid with the assets of any ward. This
67 subsection does not apply to any attorney ~~who is~~ licensed to
68 practice law in this state or an institution acting as guardian
69 under s. 744.2002(7).

70 Section 5. Subsections (1) and (6) of section 744.2004,
71 Florida Statutes, are amended to read:

72 744.2004 Complaints; disciplinary proceedings; penalties;
73 enforcement.—

74 (1) ~~By October 1, 2016,~~ The Office of Public and
75 Professional Guardians shall establish procedures to:

76 (a) Review and, if determined legally sufficient, initiate
77 an investigation within 10 business days after receipt of
78 ~~investigate~~ any complaint that a professional guardian has
79 violated the standards of practice established by the Office of
80 Public and Professional Guardians governing the conduct of
81 professional guardians. A complaint is legally sufficient if it
82 contains ultimate facts that show a violation of a standard of
83 practice by a professional guardian has occurred.

84 (b) Notify the complainant ~~Initiate an investigation~~ no
85 later than 10 business days after the Office of Public and
86 Professional Guardians determines that a complaint is not
87 legally sufficient ~~receives a complaint~~.

88 (c) Complete and provide initial investigative findings
89 and recommendations, if any, to the professional guardian and

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90 the person who filed the complaint within 45 ~~60~~ days after
91 receipt of a complaint.

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

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

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

99 (g) Within 10 business days after completing an
100 investigation, provide to the complainant and the professional
101 guardian a written statement specifying any finding of a
102 violation of a standard of practice by the professional guardian
103 and any actions taken, or specifying that no such violation was
104 found, as applicable.

105 (h) Coordinate, to the greatest extent possible, with the
106 clerks of court to avoid duplication of duties with regard to
107 the financial audits prepared by the clerks pursuant to s.
108 744.368.

109 (6) ~~By October 1, 2016,~~ The Department of Elderly Affairs
110 shall adopt rules to implement the provisions of this section.

111 Section 6. Subsection (4) of section 744.3145, Florida
112 Statutes, is amended to read:

113 744.3145 Guardian education requirements.-

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114 (4) Each person appointed by the court to be a guardian
115 must complete the required number of hours of instruction and
116 education within 4 months after his or her appointment as
117 guardian. The instruction and education must be completed
118 through a course approved by the chief judge of the circuit
119 court and taught by a court-approved organization or through a
120 course offered by the Office of Public and Professional
121 Guardians under s. 744.2001. Court-approved organizations may
122 include, but are not limited to, community or junior colleges,
123 guardianship organizations, and the local bar association or The
124 Florida Bar.

125 Section 7. Subsection (8) is added to section 744.368,
126 Florida Statutes, to read:

127 744.368 Responsibilities of the clerk of the circuit
128 court.-

129 (8) Within 10 business days after the court imposes any
130 sanctions on a professional guardian, including, but not limited
131 to, contempt of court or removal of the professional guardian,
132 the clerk shall report such actions to the Office of Public and
133 Professional Guardians.

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T I T L E A M E N D M E N T

137 Remove line 8 and insert:
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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1411 (2023)

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139 amending s. 744.2001, F.S.; deleting obsolete language;
140 providing additional duties for the executive director of the
141 Office of Public and Professional Guardians; amending s.
142 744.2003, F.S.; revising continuing education requirements for
143 professional guardians; amending s. 744.2004, F.S.; requiring
144 the office to notify complainants within a specified timeframe
145 after determining that a complaint against a professional
146 guardian is not legally sufficient; reducing the timeframe
147 within which the office must complete and provide its initial
148 investigative findings and recommendations, if any, to the
149 professional guardian who is the subject of the investigation
150 and to the complainant; requiring the office to provide a
151 certain written statement to the complainant and the
152 professional guardian within a specified timeframe after
153 completing an investigation; deleting obsolete language;
154 amending s. 744.3145, F.S.; providing an additional method of
155 complying with certain instruction and education requirements
156 for court-appointed guardians; amending s. 744.368, F.S.;
157 requiring clerks of the court to report to the office within a
158 specified timeframe after the court imposes any sanctions on a
159 professional guardian; providing an effective date.

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