

By Senator Jones

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1 A bill to be entitled
2 An act relating to guardianship; amending s. 744.361,
3 F.S.; prohibiting a guardian from restricting the
4 ability of an adult ward to maintain contact with a
5 person except in certain circumstances; requiring a
6 guardian to provide a ward with a notice of a change
7 in residential setting in certain circumstances;
8 requiring a guardian to provide notice to any person
9 identified in an initial guardianship plan; amending
10 s. 744.363, F.S.; requiring that an initial
11 guardianship plan identify the persons entitled to
12 certain information; requiring that an initial
13 guardianship plan for an incapacitated person identify
14 persons entitled to certain notice and to visit the
15 incapacitated person; providing construction;
16 providing an effective date.

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

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20 Section 1. Paragraphs (b) and (h) of subsection (13) of
21 section 744.361, Florida Statutes, are amended, and paragraph
22 (k) is added to that subsection, to read:

23 744.361 Powers and duties of guardian.—

24 (13) Recognizing that every individual has unique needs and
25 abilities, a guardian who is given authority over a ward's
26 person shall, as appropriate under the circumstances:

27 (b) Allow the ward to maintain contact with family and
28 friends. If the ward is a minor, the guardian may restrict the
29 ability of the ward to maintain any contact that the guardian

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30 believes may cause harm to the ward. If the ward is an adult,
31 the guardian may not restrict the ability of the ward to
32 maintain contact with a specified person unless the guardian has
33 good cause to believe that interaction with the person poses a
34 risk of significant physical, psychological, or financial harm
35 to the ward, and the restriction is:

36 1. For no more than 7 business days, if the person has a
37 family or preexisting social relationship with the ward;

38 2. For no more than 60 days, if the person does not have a
39 family or preexisting social relationship with the ward; or

40 3. Authorized by specific order of the court ~~unless the~~
41 ~~guardian believes that such contact may cause harm to the ward.~~

42 (h) Evaluate the ward's medical and health care options,
43 financial resources, and desires when making residential
44 decisions that are best suited for the current needs of the
45 ward. The guardian must provide the ward with notice of a change
46 in residential setting at least 14 days before the change occurs
47 if the new residential setting will be more restrictive than the
48 current residential setting. Such notice is not required if the
49 change in residential setting is authorized by the guardianship
50 plan or a court order.

51 (k) Provide appropriate notice to any person identified in
52 an initial guardianship plan pursuant to s. 744.363(1)(h).

53 Section 2. Paragraph (h) is added to subsection (1) of
54 section 744.363, Florida Statutes, to read:

55 744.363 Initial guardianship plan.—

56 (1) The initial guardianship plan shall include all of the
57 following:

58 (h) Identification of all of the following persons:

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59 1. The persons entitled to receive notice of the following
60 information, when such information is known or can be reasonably
61 ascertained by the guardian:

62 a. The incapacitated person's death.

63 b. The intended disposition of the remains of the decedent.

64 c. The funeral arrangements for the decedent.

65 d. The final resting place of the decedent.

66 2. If the ward is incapacitated:

67 a. The persons entitled to notice of the incapacitated
68 person's transfer to a medical facility.

69 b. The persons entitled to visit the incapacitated person.

70 However, the identification of such persons in the plan does not
71 limit the persons entitled to visit the incapacitated person.

72 Section 3. This act shall take effect July 1, 2025.