

1                   A bill to be entitled  
2           An act relating to guardianship; amending s. 744.2005,  
3           F.S.; requiring that an order appointing a guardian  
4           identify the persons entitled to certain information  
5           upon the incapacitated person's death; authorizing  
6           that an order appointing a guardian identify the  
7           persons entitled to notice if the incapacitated person  
8           is transferred to a medical facility and persons  
9           entitled to visit the incapacitated person; providing  
10          construction; amending s. 744.361, F.S.; authorizing a  
11          guardian to restrict the ability of a minor ward to  
12          maintain certain contacts in certain circumstances;  
13          authorizing a guardian to restrict the ability of an  
14          adult ward to maintain contact with a person in  
15          certain circumstances; requiring a guardian to provide  
16          a ward with a notice of a change in residential  
17          setting in certain circumstances; requiring a guardian  
18          to provide notice to any person identified in an order  
19          of appointment; providing an effective date.

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

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23           **Section 1. Subsections (3) through (7) of section**  
24   **744.2005, Florida Statutes, are renumbered as subsections (4)**  
25   **through (8), respectively, subsection (2) and present subsection**

26 **(3) are amended, and a new subsection (3) is added to that**  
 27 **section, to read:**

28 744.2005 Order of appointment.—

29 (2) The order appointing a guardian must:

30 (a) State the nature of the guardianship as either plenary  
 31 or limited. If limited, the order must state that the guardian  
 32 may exercise only those delegable rights which have been removed  
 33 from the incapacitated person and specifically delegated to the  
 34 guardian.

35 (b) ~~The order shall~~ State the specific powers and duties  
 36 of the guardian.

37 (c) Identify the persons entitled to receive notice of the  
 38 following information, when such information is known or can be  
 39 reasonably ascertained by the guardian:

40 1. The incapacitated person's death.

41 2. The intended disposition of the remains of the  
 42 decedent.

43 3. The funeral arrangements for the decedent.

44 4. The final resting place of the decedent.

45 (d) ~~(3) The order appointing a guardian must~~ Be consistent  
 46 with the incapacitated person's welfare and safety, ~~must~~ be the  
 47 least restrictive appropriate alternative, and ~~must~~ reserve to  
 48 the incapacitated person the right to make decisions in all  
 49 matters commensurate with the person's ability to do so.

50 (3) The order appointing a guardian may:

51 (a) Identify the persons entitled to notice of the  
52 incapacitated person's transfer to a medical facility.

53 (b) Identify the persons entitled to visit the  
54 incapacitated person. However, the identification of such  
55 persons in the order does not limit the persons entitled to  
56 visit the incapacitated person.

57 **Section 2. Paragraphs (b) and (h) of subsection (13) of**  
58 **section 744.361, Florida Statutes, are amended, and paragraph**  
59 **(k) is added to that subsection, to read:**

60 744.361 Powers and duties of guardian.—

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

64 (b) Allow the ward to maintain contact with family and  
65 friends. If the ward is a minor, the guardian may restrict the  
66 ability of the ward to maintain any contact that the guardian  
67 believes may cause harm to the ward. If the ward is an adult,  
68 the guardian may restrict the ability of the ward to maintain  
69 contact with a specified person if the guardian has good cause  
70 to believe that interaction with the person poses a risk of  
71 significant physical, psychological, or financial harm to the  
72 ward and the restriction is:

73 1. For a period of not more than 7 business days, if the  
74 person has a family or preexisting social relationship with the  
75 ward;

76            2. For a period of not more than 60 days, if the person  
 77 does not have a family or preexisting social relationship with  
 78 the ward; or

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

81            (h) Evaluate the ward's medical and health care options,  
 82 financial resources, and desires when making residential  
 83 decisions that are best suited for the current needs of the  
 84 ward. The guardian must provide the ward with notice of a change  
 85 in residential setting at least 14 days before the change occurs  
 86 if the new residential setting will be more restrictive than the  
 87 ward's current residential setting. Such notice is not required  
 88 if the change in residential setting is authorized by the  
 89 guardianship plan or a court order.

90            (k) Provide appropriate notice to any person identified in  
 91 an order of appointment.

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