

By Senator Jones

34-00166-26

20261088__

A bill to be entitled
An act relating to guardianship; amending s. 744.361,
F.S.; prohibiting a guardian from restricting the
ability of an adult ward to maintain contact with a
person except under certain circumstances; requiring a
guardian to provide a ward with notice of a change in
residential setting under certain circumstances;
providing an exception; requiring a guardian to
provide notice to any person identified in an initial
guardianship plan; amending s. 744.363, F.S.;
requiring that an initial guardianship plan identify
the persons entitled to certain information; requiring
that an initial guardianship plan for an incapacitated
person identify persons entitled to certain notice and
to visit the incapacitated person; providing
construction; providing an effective date.

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

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

744.361 Powers and duties of guardian.—

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

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

34-00166-26

20261088__

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

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

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

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

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

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

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

744.363 Initial guardianship plan.—

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

(h) Identification of all of the following persons:

34-00166-26

20261088__

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, 2026.