

HB 1099

2026

A bill to be entitled
An act relating to guardianship; amending s. 744.2005, F.S.; requiring that an order appointing a guardian identify the persons entitled to certain information upon the incapacitated person's death; authorizing that an order appointing a guardian identify the persons entitled to notice if the incapacitated person is transferred to a medical facility and identify the persons entitled to visit the incapacitated person; providing construction; amending s. 744.361, F.S.; authorizing a guardian to restrict the ability of a minor ward to maintain certain contacts in certain circumstances; authorizing a guardian to restrict the ability of an adult ward to maintain contact with a person in certain circumstances; requiring a guardian to provide a ward with a notice of a change in residential setting in certain circumstances; requiring a guardian to provide notice to any person identified in an order of appointment; providing an effective date.

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

Section 1. Subsections (3) through (7) of section 744.2005, Florida Statutes, are renumbered as subsections (4)

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26 **through (8), respectively, subsection (2) and present subsection**
27 **(3) are amended, and a new subsection (3) is added to that**
28 **section, to read:**

29 744.2005 Order of appointment.—

30 (2) The order appointing a guardian must:

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

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

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

41 1. The incapacitated person's death.

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

44 3. The funeral arrangements for the decedent.

45 4. The final resting place of the decedent.

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

51 (3) The order appointing a guardian may:

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

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

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

61 744.361 Powers and duties of guardian.—

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

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

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

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76 the ward;

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

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

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

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

93 **Section 3.** This act shall take effect July 1, 2026.