

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 identify the  
9       persons entitled to visit the incapacitated person;  
10      providing construction; amending s. 744.361, F.S.;  
11      authorizing a guardian to restrict the ability of a  
12      minor ward to maintain certain contacts in certain  
13      circumstances; authorizing a guardian to restrict the  
14      ability of an adult ward to maintain contact with a  
15      person in certain circumstances; requiring a guardian  
16      to provide a ward with a notice of a change in  
17      residential setting in certain circumstances;  
18      requiring a guardian to provide notice to any person  
19      identified in an order of appointment; providing an  
20      effective date.

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

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24       **Section 1. Subsections (3) through (7) of section**  
25   **744.2005, Florida Statutes, are renumbered as subsections (4)**

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

744.2005 Order of appointment.—

(2) The order appointing a guardian must:

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

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

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

1. The incapacitated person's death.

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

3. The funeral arrangements for the decedent.

4. The final resting place of the decedent.

(d) ~~(3) The order appointing a guardian must~~ Be consistent with the incapacitated person's welfare and safety, ~~must~~ be the least restrictive appropriate alternative, and ~~must~~ reserve to the incapacitated person the right to make decisions in all 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

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.