

1 A bill to be entitled
2 An act relating to persons disqualified from being
3 appointed as a guardian; amending s. 744.309, F.S.;
4 authorizing a court to appoint a person who has been
5 convicted of a felony to be a guardian of a ward or
6 proposed ward under certain circumstances; amending s.
7 744.474, F.S.; conforming a provision to changes made
8 by the act; providing an effective date.

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

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12 **Section 1. Subsection (3) of section 744.309, Florida**
13 **Statutes, is amended to read:**

14 744.309 Who may be appointed guardian of a resident ward.—

15 (3) DISQUALIFIED PERSONS.—

16 (a) The following persons are disqualified from being
17 appointed a guardian under this section:

18 1. A ~~no~~ person who has been convicted of a felony, unless
19 at least 10 years have elapsed since the person completed or was
20 lawfully released from confinement, supervision, or other court-
21 ordered nonmonetary conditions before the appointment as
22 guardian.

23 2. A person ~~or~~ who, from any incapacity or illness, is
24 incapable of discharging the duties of a guardian, or who is
25 otherwise unsuitable to perform the duties of a guardian.

26 3. ~~A, shall be appointed to act as guardian. Further, no~~
27 person who has been judicially determined to have committed
28 abuse, abandonment, or neglect against a child as defined in s.
29 39.01 or s. 984.03(1), (2), and (24).

30 4. A person, ~~or~~ who has been found guilty of, regardless
31 of adjudication, or entered a plea of nolo contendere or guilty
32 to, any offense prohibited under s. 435.04 or similar statute of
33 another jurisdiction, ~~shall be appointed to act as a guardian.~~

34 (b) Except as provided in subsection (5) or subsection
35 (6), a person who provides substantial services to the proposed
36 ward in a professional or business capacity, or a creditor of
37 the proposed ward, may not be appointed guardian and retain that
38 previous professional or business relationship.

39 (c) A person may not be appointed a guardian if he or she
40 is in the employ of any person, agency, government, or
41 corporation that provides service to the proposed ward in a
42 professional or business capacity, except that a person so
43 employed may be appointed if he or she is the spouse, adult
44 child, parent, or sibling of the proposed ward or the court
45 determines that the potential conflict of interest is
46 insubstantial and that the appointment would clearly be in the
47 proposed ward's best interest.

48 (d) The court may not appoint a guardian in any ~~other~~
49 circumstance in which a conflict of interest may occur.

50 (e) A court may appoint a person who has been convicted of

51 a felony to serve as a guardian if all of the following
52 conditions are met:

53 1. The person is the parent, child, sibling, spouse,
54 grandparent, or grandchild of the proposed ward.

55 2. The person has disclosed his or her felony conviction
56 to the court.

57 3. At least 10 years have elapsed since the person
58 completed or was lawfully released from confinement,
59 supervision, or other court-ordered nonmonetary conditions
60 before the appointment of the person as guardian.

61 4. The person would otherwise be eligible to serve as a
62 guardian under this chapter.

63 5. After reviewing the person's qualifications, the nature
64 of the felony conviction, and any other relevant information,
65 the court determines that, despite the felony conviction, the
66 person is able to carry out in an appropriate manner all of the
67 requirements and responsibilities of a guardian and act in the
68 proposed ward's best interest. For purposes of making such
69 determination, the court may require the person to provide
70 certified copies of records relating to the underlying felony
71 offense and conviction.

72 **Section 2. Subsection (9) of section 744.474, Florida**
73 **Statutes, is amended to read:**

74 744.474 Reasons for removal of guardian.—A guardian may be
75 removed for any of the following reasons, and the removal shall

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76 | be in addition to any other penalties prescribed by law:

77 | (9) Conviction of a felony which occurs after the
78 | guardianship appointment.

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