

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

29 3. ~~A, shall be appointed to act as guardian. Further, no~~
30 person who has been judicially determined to have committed
31 abuse, abandonment, or neglect against a child as defined in s.
32 39.01 or s. 984.03(1), (2), and (24).

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

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

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

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

53 (e)1. Notwithstanding paragraph (a), a court may appoint a
54 person who has been convicted of a felony to serve as a guardian
55 if all of the following conditions are met:

56 a. The person is the parent of the proposed ward.

57 b. The person has disclosed his or her felony conviction
58 to the court.

59 c. The person's felony conviction, and all of the terms
60 and conditions of the sentence, have been fulfilled, completed,
61 or terminated at least 10 years before the filing of the
62 application for appointment. For purposes of this sub-
63 subparagraph, the terms and conditions of the sentence include,
64 but are not limited to, incarceration, parole, fines,
65 restitution and financial penalties, and any other condition
66 required to fulfill the felony conviction.

67 d. The felony conviction did not involve financial
68 exploitation, breach of fiduciary duty, or any offense involving
69 financial harm or dishonesty to a vulnerable adult as defined in
70 s. 415.102.

71 e. The court finds by clear and convincing evidence that
72 the person is otherwise qualified, suitable, and fit to serve as
73 a guardian under this chapter.

74 f. The court finds that the appointment is in the best
75 interests of the proposed ward.

76 2. The court must consider imposing additional
 77 requirements on a guardian appointed under this paragraph to
 78 safeguard the proposed ward and the proposed ward's property,
 79 including, but not limited to:

80 a. Requiring a bond to protect the proposed ward's assets.

81 b. Imposing a court-approved budget of the proposed ward's
 82 expenses.

83 c. Increasing the frequency with which the guardian must
 84 file with the court his or her plans and accountings.

85 3. This paragraph does not require the court to appoint a
 86 person who meets the criteria in this paragraph, and the court
 87 may deny an appointment if it determines that the appointment
 88 would place the proposed ward, or his or her property, at risk.

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

91 744.474 Reasons for removal of guardian.—A guardian may be
 92 removed for any of the following reasons, and the removal shall
 93 be in addition to any other penalties prescribed by law:

94 (9) Conviction of a felony which occurs after the
 95 guardianship appointment.

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