

Committee on Children, Families, And Elder Affairs

CS/HB 399 — Guardianship

by Civil Justice and Claims Subcommittee and Reps. Diamond and Spano (CS/CS/SB 172 by Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senators Passidomo, Mayfield, and Powell)

CS/HB 399 (Chapter 2017-16, L.O.F.) revises several aspects of Florida's guardianship statutes relating to the determination of a person's incapacity. The bill allows certain parties to challenge a report filed by an examining committee member; allows a guardian's annual report on the incapacitated person over whom he or she has responsibility to be filed within a certain timeframe; allows a court to grant extraordinary authority for a guardian to initiate a ward's divorce without the spouse's consent; and removes the \$6,000 cap on the amount a guardian may spend on a ward's funeral and related expenses.

This bill is, in part, based on a court ruling from the Florida 4th District Court of Appeals, addressing the introduction of examining committee reports into evidence without a member of the examining committee available to testify to the contents of the report. The bill allows certain parties time to review the examining committee reports and, if no challenge to the reports is filed with the court, then the report may be introduced into evidence. If a challenge to a report is timely filed with the court, then an examining committee member must attend the hearing to testify about the contents of the report.

These provisions became law upon approval by the Governor on May 9, 2017.

Vote: Senate 39-0; House 93-22