

By the Committee on Children, Families, and Elder Affairs; and
Senator Detert

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1 A bill to be entitled
2 An act relating to guardianship; providing directives
3 to the Division of Law Revision and Information;
4 amending s. 744.1012, F.S.; revising legislative
5 intent; renumbering s. 744.201, F.S., relating to
6 domicile of ward; renumbering and amending s. 744.202,
7 F.S.; conforming a cross-reference; renumbering s.
8 744.2025, F.S., relating to change of ward's
9 residence; renumbering and amending s. 744.7021, F.S.;
10 renaming the Statewide Public Guardianship Office to
11 the Office of Public and Professional Guardians;
12 revising the duties and responsibilities of the
13 executive director for the Office of Public and
14 Professional Guardians; conforming provisions to
15 changes made by the act; renumbering and amending s.
16 744.1083, F.S.; providing that a guardian has standing
17 to seek judicial review pursuant to ch. 120, F.S., if
18 his or her registration is denied; removing a
19 provision authorizing the executive director to
20 suspend or revoke the registration of a guardian who
21 commits certain violations; removing the requirement
22 of written notification to the chief judge of the
23 judicial circuit upon the executive director's denial,
24 suspension, or revocation of a registration;
25 conforming provisions to changes made by the act;
26 conforming a cross-reference; renumbering and amending
27 s. 744.1085, F.S.; conforming provisions to changes
28 made by the act; removing an obsolete provision;
29 conforming a cross-reference; creating s. 744.2004,

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30 F.S.; requiring the Office of Public and Professional
31 Guardians to establish certain procedures by a
32 specified date; requiring the office to establish
33 disciplinary proceedings, conduct hearings, and take
34 administrative action pursuant to ch. 120, F.S.;

35 requiring the Department of Elderly Affairs to provide
36 certain written information in disciplinary
37 proceedings; requiring that certain findings and
38 recommendations be made within a certain time;

39 requiring the office, under certain circumstances, to
40 make a specified recommendation to a court of
41 competent jurisdiction; requiring the office to report
42 determination or suspicion of abuse to the Department
43 of Children and Families' central abuse hotline under
44 specified circumstances; requiring the Department of
45 Elderly Affairs to adopt rules; renumbering and
46 amending s. 744.344, F.S.; making technical changes;

47 renumbering and amending s. 744.703, F.S.; conforming
48 provisions to changes made by the act; renumbering ss.
49 744.704 and 744.705, F.S., relating to the powers and
50 duties of public guardians and the costs of public
51 guardians, respectively; renumbering and amending ss.
52 744.706 and 744.707, F.S.; conforming provisions to
53 changes made by the act; renumbering s. 744.709, F.S.,
54 relating to surety bonds; renumbering and amending s.
55 744.708, F.S.; conforming provisions to changes made
56 by the act; renumbering and amending s. 744.7081,
57 F.S.; requiring that the Office of Public and
58 Professional Guardians be provided financial audits

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59 upon its request as part of an investigation;
60 conforming provisions to changes made by the act;
61 renumbering and amending s. 744.7082, F.S.; conforming
62 provisions to changes made by the act; renumbering and
63 amending s. 744.712, F.S.; providing legislative
64 intent; conforming provisions; renumbering and
65 amending ss. 744.713, 744.714, and 744.715, F.S.;
66 conforming provisions to changes made by the act;
67 amending s. 744.3135, F.S.; requiring the office to
68 adopt rules by a certain date; conforming provisions
69 to changes made by the act; repealing s. 744.701,
70 F.S., relating to a short title; repealing s. 744.702,
71 F.S., relating to legislative intent; repealing s.
72 744.7101, F.S., relating to a short title; repealing
73 s. 744.711, F.S., relating to legislative findings and
74 intent; amending ss. 400.148 and 744.331, F.S.;
75 conforming provisions to changes made by the act;
76 amending ss. 20.415, 415.1102, 744.309, and 744.524,
77 F.S.; conforming cross-references; making technical
78 changes; providing an effective date.

79

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

81

82 Section 1. The Division of Law Revision and Information is
83 directed to add ss. 744.1096-744.1098, Florida Statutes, created
84 by this act, to part I of chapter 744, Florida Statutes.

85 Section 2. The Division of Law Revision and Information is
86 directed to rename part II of chapter 744, Florida Statutes,
87 entitled "VENUE," as "PUBLIC AND PROFESSIONAL GUARDIANS,"

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88 consisting of ss. 744.2001-744.2109, Florida Statutes.

89 Section 3. The Division of Law Revision and Information is
90 directed to remove part IX of chapter 744, Florida Statutes.

91 Section 4. Section 744.1012, Florida Statutes, is amended
92 to read:

93 744.1012 Legislative intent.—The Legislature finds that:

94 (1) ~~That~~ Adjudicating a person totally incapacitated and in
95 need of a guardian deprives such person of all her or his civil
96 and legal rights and that such deprivation may be unnecessary.

97 (2) ~~The Legislature further finds that~~ It is desirable to
98 make available the least restrictive form of guardianship to
99 assist persons who are only partially incapable of caring for
100 their needs and that alternatives to guardianship and less
101 restrictive means of assistance, including, but not limited to,
102 guardian advocates, should always be explored before an
103 individual's rights are removed through an adjudication of
104 incapacity.

105 (3) By recognizing that every individual has unique needs
106 and differing abilities, ~~the Legislature declares that~~ it is the
107 purpose of this act to promote the public welfare by
108 establishing a system that permits incapacitated persons to
109 participate as fully as possible in all decisions affecting
110 them; that assists such persons in meeting the essential
111 requirements for their physical health and safety, in protecting
112 their rights, in managing their financial resources, and in
113 developing or regaining their abilities to the maximum extent
114 possible; and that accomplishes these objectives through
115 providing, in each case, the form of assistance that least
116 interferes with the legal capacity of a person to act in her or

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117 his own behalf. This act shall be liberally construed to
118 accomplish this purpose.

119 (4) Private guardianship may be inadequate when there is no
120 willing and responsible family member or friend, other person,
121 bank, or corporation available to serve as guardian for an
122 incapacitated person, and such person does not have adequate
123 income or wealth for the compensation of a private guardian.

124 (5) Through the establishment of the Office of Public and
125 Professional Guardians, the Legislature intends to permit the
126 establishment of offices of public guardians for the purpose of
127 providing guardianship services for incapacitated persons when
128 no private guardian is available.

129 (6) A public guardian will be provided only to those
130 persons whose needs cannot be met through less restrictive means
131 of intervention.

132 Section 5. Section 744.201, Florida Statutes, is renumbered
133 as section 744.1096, Florida Statutes.

134 Section 6. Section 744.202, Florida Statutes, is renumbered
135 as section 744.1097, Florida Statutes, and subsection (3) of
136 that section is amended, to read:

137 744.1097 ~~744.202~~ Venue.—

138 (3) When the residence of an incapacitated person is
139 changed to another county, the guardian shall petition to have
140 the venue of the guardianship changed to the county of the
141 acquired residence, except as provided in s. 744.1098 ~~s.~~
142 ~~744.2025~~.

143 Section 7. Section 744.2025, Florida Statutes, is
144 renumbered as section 744.1098, Florida Statutes.

145 Section 8. Section 744.7021, Florida Statutes, is

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146 renumbered as section 744.2001, Florida Statutes, and amended to
147 read:

148 744.2001 ~~744.7021~~ ~~Statewide Public Guardianship Office of~~
149 ~~Public and Professional Guardians.~~—There is hereby created the
150 ~~Statewide Public Guardianship Office of Public and Professional~~
151 ~~Guardians~~ within the Department of Elderly Affairs.

152 (1) The Secretary of Elderly Affairs shall appoint the
153 executive director, who shall be the head of the ~~Statewide~~
154 ~~Public Guardianship Office of Public and Professional Guardians.~~
155 The executive director must be a member of The Florida Bar,
156 knowledgeable of guardianship law and of the social services
157 available to meet the needs of incapacitated persons, shall
158 serve on a full-time basis, and shall personally, or through a
159 representative ~~representatives~~ of the office, carry out the
160 purposes and functions of the ~~Statewide Public Guardianship~~
161 ~~Office of Public and Professional Guardians~~ in accordance with
162 state and federal law. The executive director shall serve at the
163 pleasure of and report to the secretary.

164 (2) The executive director shall, within available
165 resources:

166 (a) Have oversight responsibilities for all public and
167 professional guardians.

168 (b) Establish standards of practice for public and
169 professional guardians by rule, in consultation with
170 professional guardianship associations and other interested
171 stakeholders, no later than October 1, 2016. The executive
172 director shall provide a draft of the standards to the Governor,
173 the Legislature, and the secretary for review by August 1, 2016.

174 (c) Review and approve the standards and criteria for the

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175 education, registration, and certification of public and
176 professional guardians in Florida.

177 (3) The executive director's oversight responsibilities of
178 professional guardians must be finalized by October 1, 2016, and
179 shall include, but are not limited to:

180 (a) Developing and implementing a monitoring tool to ensure
181 compliance of professional guardians with the standards of
182 practice established by the Office of Public and Professional
183 Guardians. This monitoring tool may not include a financial
184 audit as required by the clerk of the circuit court under s.
185 744.368.

186 (b) Developing procedures, in consultation with
187 professional guardianship associations and other interested
188 stakeholders, for the review of an allegation that a
189 professional guardian has violated the standards of practice
190 established by the Office of Public and Professional Guardians
191 governing the conduct of professional guardians.

192 (c) Establishing disciplinary proceedings, conducting
193 hearings, and taking administrative action pursuant to chapter
194 120.

195 (4) The executive director's oversight responsibilities of
196 public guardians shall include, but are not limited to:

197 (a) Reviewing ~~The executive director shall review~~ the
198 current public guardian programs in Florida and other states.

199 (b) Developing ~~The executive director,~~ in consultation with
200 local guardianship offices and other interested stakeholders,
201 ~~shall develop~~ statewide performance measures and standards.

202 (c) Reviewing ~~The executive director shall review the~~
203 various methods of funding public guardianship programs, the

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204 kinds of services being provided by such programs, and the
205 demographics of the wards. In addition, the executive director
206 shall review and make recommendations regarding the feasibility
207 of recovering a portion or all of the costs of providing public
208 guardianship services from the assets or income of the wards.

209 (d) By January 1 of each year, providing ~~the executive~~
210 ~~director shall provide~~ a status report and ~~provide further~~
211 recommendations to the secretary which ~~that~~ address the need for
212 public guardianship services and related issues.

213 (e) Developing a guardianship training program curriculum
214 that may be offered to all guardians, whether public or private.

215 (5) ~~(e)~~ The executive director may provide assistance to
216 local governments or entities in pursuing grant opportunities.
217 The executive director shall review and make recommendations in
218 the annual report on the availability and efficacy of seeking
219 Medicaid matching funds. The executive director shall diligently
220 seek ways to use existing programs and services to meet the
221 needs of public wards.

222 ~~(f) The executive director, in consultation with the~~
223 ~~Florida Guardianship Foundation, shall develop a guardianship~~
224 ~~training program curriculum that may be offered to all guardians~~
225 ~~whether public or private.~~

226 (6) ~~(3)~~ The executive director may conduct or contract for
227 demonstration projects authorized by the Department of Elderly
228 Affairs, within funds appropriated or through gifts, grants, or
229 contributions for such purposes, to determine the feasibility or
230 desirability of new concepts of organization, administration,
231 financing, or service delivery designed to preserve the civil
232 and constitutional rights of persons of marginal or diminished

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233 capacity. Any gifts, grants, or contributions for such purposes
 234 shall be deposited in the Department of Elderly Affairs
 235 Administrative Trust Fund.

236 Section 9. Section 744.1083, Florida Statutes, is
 237 renumbered as section 744.2002, Florida Statutes, subsections
 238 (1) through (5) of that section are amended, and subsections (7)
 239 and (10) of that section are republished, to read:

240 744.2002 ~~744.1083~~ Professional guardian registration.—

241 (1) A professional guardian must register with the
 242 ~~Statewide Public Guardianship~~ Office of Public and Professional
 243 Guardians established in part II ~~IX~~ of this chapter.

244 (2) Annual registration shall be made on forms furnished by
 245 the ~~Statewide Public Guardianship~~ Office of Public and
 246 Professional Guardians and accompanied by the applicable
 247 registration fee as determined by rule. The fee may not exceed
 248 \$100.

249 (3) Registration must include the following:

250 (a) Sufficient information to identify the professional
 251 guardian, as follows:

252 1. If the professional guardian is a natural person, the
 253 name, address, date of birth, and employer identification or
 254 social security number of the person.

255 2. If the professional guardian is a partnership or
 256 association, the name, address, and employer identification
 257 number of the entity.

258 (b) Documentation that the bonding and educational
 259 requirements of s. 744.2003 ~~s. 744.1085~~ have been met.

260 (c) Sufficient information to distinguish a guardian
 261 providing guardianship services as a public guardian,

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262 individually, through partnership, corporation, or any other
263 business organization.

264 (4) Prior to registering a professional guardian, the
265 ~~Statewide Public Guardianship Office~~ of Public and Professional
266 Guardians must receive and review copies of the credit and
267 criminal investigations conducted under s. 744.3135. The credit
268 and criminal investigations must have been completed within the
269 previous 2 years.

270 (5) The executive director of the office may deny
271 registration to a professional guardian if the executive
272 director determines that the guardian's proposed registration,
273 including the guardian's credit or criminal investigations,
274 indicates that registering the professional guardian would
275 violate any provision of this chapter. If a guardian's proposed
276 registration is denied, the guardian has standing to seek
277 judicial review of the denial pursuant to chapter 120 ~~If a~~
278 ~~guardian who is currently registered with the office violates a~~
279 ~~provision of this chapter, the executive director of the office~~
280 ~~may suspend or revoke the guardian's registration. If the~~
281 ~~executive director denies registration to a professional~~
282 ~~guardian or suspends or revokes a professional guardian's~~
283 ~~registration, the Statewide Public Guardianship Office must send~~
284 ~~written notification of the denial, suspension, or revocation to~~
285 ~~the chief judge of each judicial circuit in which the guardian~~
286 ~~was serving on the day of the office's decision to deny,~~
287 ~~suspend, or revoke the registration.~~

288 (7) A trust company, a state banking corporation or state
289 savings association authorized and qualified to exercise
290 fiduciary powers in this state, or a national banking

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291 association or federal savings and loan association authorized
292 and qualified to exercise fiduciary powers in this state, may,
293 but is not required to, register as a professional guardian
294 under this section. If a trust company, state banking
295 corporation, state savings association, national banking
296 association, or federal savings and loan association described
297 in this subsection elects to register as a professional guardian
298 under this subsection, the requirements of subsections (3) and
299 (4) do not apply and the registration must include only the
300 name, address, and employer identification number of the
301 registrant, the name and address of its registered agent, if
302 any, and the documentation described in paragraph (3)(b).

303 (10) A state college or university or an independent
304 college or university that is located and chartered in Florida,
305 that is accredited by the Commission on Colleges of the Southern
306 Association of Colleges and Schools or the Accrediting Council
307 for Independent Colleges and Schools, and that confers degrees
308 as defined in s. 1005.02(7) may, but is not required to,
309 register as a professional guardian under this section. If a
310 state college or university or independent college or university
311 elects to register as a professional guardian under this
312 subsection, the requirements of subsections (3) and (4) do not
313 apply and the registration must include only the name, address,
314 and employer identification number of the registrant.

315 Section 10. Section 744.1085, Florida Statutes, is
316 renumbered as section 744.2003, Florida Statutes, subsections
317 (3), (6), and (9) of that section are amended, and subsection
318 (8) of that section is republished, to read:

319 744.2003 ~~744.1085~~ Regulation of professional guardians;

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320 application; bond required; educational requirements.—

321 (3) Each professional guardian defined in s. 744.102(17)
322 and public guardian must receive a minimum of 40 hours of
323 instruction and training. Each professional guardian must
324 receive a minimum of 16 hours of continuing education every 2
325 calendar years after the year in which the initial 40-hour
326 educational requirement is met. The instruction and education
327 must be completed through a course approved or offered by the
328 ~~Statewide Public Guardianship Office~~ of Public and Professional
329 Guardians. The expenses incurred to satisfy the educational
330 requirements prescribed in this section may not be paid with the
331 assets of any ward. This subsection does not apply to any
332 attorney who is licensed to practice law in this state or an
333 institution acting as guardian under s. 744.2002(7).

334 (6) ~~After July 1, 2005,~~ Each professional guardian is ~~shall~~
335 ~~be~~ required to demonstrate competency to act as a professional
336 guardian by taking an examination approved by the Department of
337 Elderly Affairs.

338 (a) The Department of Elderly Affairs shall determine the
339 minimum examination score necessary for passage of guardianship
340 examinations.

341 (b) The Department of Elderly Affairs shall determine the
342 procedure for administration of the examination.

343 (c) The Department of Elderly Affairs or its contractor
344 shall charge an examination fee for the actual costs of the
345 development and the administration of the examination. The
346 examination fee for a guardian may, ~~not to~~ exceed \$500.

347 (d) The Department of Elderly Affairs may recognize passage
348 of a national guardianship examination in lieu of all or part of

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349 the examination approved by the Department of Elderly Affairs,
350 except that all professional guardians must take and pass an
351 approved examination section related to Florida law and
352 procedure.

353 (8) The Department of Elderly Affairs shall waive the
354 examination requirement in subsection (6) if a professional
355 guardian can provide:

356 (a) Proof that the guardian has actively acted as a
357 professional guardian for 5 years or more; and

358 (b) A letter from a circuit judge before whom the
359 professional guardian practiced at least 1 year which states
360 that the professional guardian had demonstrated to the court
361 competency as a professional guardian.

362 (9) ~~After July 1, 2004,~~ The court may ~~shall~~ not appoint any
363 professional guardian who is ~~has~~ not registered by the Office of
364 Public and Professional Guardians ~~met the requirements of this~~
365 ~~section and s. 744.1083.~~

366 Section 11. Section 744.2004, Florida Statutes, is created
367 to read:

368 744.2004 Complaints; disciplinary proceedings; penalties;
369 enforcement.-

370 (1) By October 1, 2016, the Office of Public and
371 Professional Guardians shall establish procedures to:

372 (a) Review and, if determined legally sufficient,
373 investigate any complaint that a professional guardian has
374 violated the standards of practice established by the Office of
375 Public and Professional Guardians governing the conduct of
376 professional guardians. A complaint is legally sufficient if it
377 contains ultimate facts that show a violation of a standard of

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378 practice by a professional guardian has occurred.

379 (b) Initiate an investigation no later than 10 business
380 days after the Office of Public and Professional Guardians
381 receives a complaint.

382 (c) Complete and provide initial investigative findings and
383 recommendations, if any, to the professional guardian and the
384 person who filed the complaint within 60 days of receipt.

385 (d) Obtain supporting information or documentation to
386 determine the legal sufficiency of a complaint.

387 (e) Interview a ward, family member, or interested party to
388 determine the legal sufficiency of a complaint.

389 (f) Dismiss any complaint if, at any time after legal
390 sufficiency is determined, it is found there is insufficient
391 evidence to support the allegations contained in the complaint.

392 (g) Coordinate, to the greatest extent possible, with the
393 clerks of court to avoid duplication of duties with regard to
394 the financial audits prepared by the clerks pursuant to s.
395 744.368.

396 (2) The Office of Public and Professional Guardians shall
397 establish disciplinary proceedings, conduct hearings, and take
398 administrative action pursuant to chapter 120. Disciplinary
399 actions may include, but are not limited to, requiring a
400 professional guardian to participate in additional educational
401 courses provided or approved by the Office of Public and
402 Professional Guardians, imposing additional monitoring by the
403 office of the guardianships to which the professional guardian
404 is appointed, and suspension or revocation of a professional
405 guardian's registration.

406 (3) In any disciplinary proceeding that may result in the

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407 suspension or revocation of a professional guardian's
408 registration, the Department of Elderly Affairs shall provide
409 the professional guardian and the person who filed the
410 complaint:

411 (a) A written explanation of how an administrative
412 complaint is resolved by the disciplinary process.

413 (b) A written explanation of how and when the person may
414 participate in the disciplinary process.

415 (c) A written notice of any hearing before the Division of
416 Administrative Hearings at which final agency action may be
417 taken.

418 (4) If the office makes a final determination to suspend or
419 revoke the professional guardian's registration, it must provide
420 such determination to the court of competent jurisdiction for
421 any guardianship case to which the professional guardian is
422 currently appointed.

423 (5) If the office determines or has reasonable cause to
424 suspect that a vulnerable adult has been or is being abused,
425 neglected, or exploited as a result of a filed complaint or
426 during the course of an investigation of a complaint, it shall
427 immediately report such determination or suspicion to the
428 central abuse hotline established and maintained by the
429 Department of Children and Families pursuant to s. 415.103.

430 (6) By October 1, 2016, the Department of Elderly Affairs
431 shall adopt rules to implement the provisions of this section.

432 Section 12. Section 744.344, Florida Statutes, is
433 renumbered as section 744.2005, Florida Statutes, and amended to
434 read:

435 744.2005 ~~744.344~~ Order of appointment.-

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436 (1) The court may hear testimony on the question of who is
437 entitled to preference in the appointment of a guardian. Any
438 interested person may intervene in the proceedings.

439 (2) The order appointing a guardian must state the nature
440 of the guardianship as either plenary or limited. If limited,
441 the order must state that the guardian may exercise only those
442 delegable rights which have been removed from the incapacitated
443 person and specifically delegated to the guardian. The order
444 shall state the specific powers and duties of the guardian.

445 (3)~~(2)~~ The order appointing a guardian must be consistent
446 with the incapacitated person's welfare and safety, must be the
447 least restrictive appropriate alternative, and must reserve to
448 the incapacitated person the right to make decisions in all
449 matters commensurate with the person's ability to do so.

450 (4)~~(3)~~ If a petition for appointment of a guardian has been
451 filed, an order appointing a guardian must be issued
452 contemporaneously with the order adjudicating the person
453 incapacitated. The order must specify the amount of the bond to
454 be given by the guardian and must state specifically whether the
455 guardian must place all, or part, of the property of the ward in
456 a restricted account in a financial institution designated
457 pursuant to s. 69.031.

458 (5)~~(4)~~ If a petition for the appointment of a guardian has
459 not been filed or ruled upon at the time of the hearing on the
460 petition to determine capacity, the court may appoint an
461 emergency temporary guardian in the manner and for the purposes
462 specified in s. 744.3031.

463 (6)~~(5)~~ A plenary guardian shall exercise all delegable
464 rights and powers of the incapacitated person.

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465 ~~(7)~~~~(6)~~ A person for whom a limited guardian has been
466 appointed retains all legal rights except those that ~~which~~ have
467 been specifically granted to the guardian in the court's written
468 order.

469 Section 13. Section 744.703, Florida Statutes, is
470 renumbered as section 744.2006, Florida Statutes, and
471 subsections (1) and (6) of that section are amended, to read:

472 744.2006 ~~744.703~~ Office of Public and Professional
473 Guardians ~~guardian~~; appointment, notification.—

474 (1) The executive director of the ~~Statewide Public~~
475 ~~Guardianship~~ Office of Public and Professional Guardians, after
476 consultation with the chief judge and other circuit judges
477 within the judicial circuit and with appropriate advocacy groups
478 and individuals and organizations who are knowledgeable about
479 the needs of incapacitated persons, may establish, within a
480 county in the judicial circuit or within the judicial circuit,
481 one or more offices of public guardian and if so established,
482 shall create a list of persons best qualified to serve as the
483 public guardian, who have been investigated pursuant to s.
484 744.3135. The public guardian must have knowledge of the legal
485 process and knowledge of social services available to meet the
486 needs of incapacitated persons. The public guardian shall
487 maintain a staff or contract with professionally qualified
488 individuals to carry out the guardianship functions, including
489 an attorney who has experience in probate areas and another
490 person who has a master's degree in social work, or a
491 gerontologist, psychologist, registered nurse, or nurse
492 practitioner. A public guardian that is a nonprofit corporate
493 guardian under s. 744.309(5) must receive tax-exempt status from

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494 the United States Internal Revenue Service.

495 (6) Public guardians who have been previously appointed by
496 a chief judge prior to the effective date of this act pursuant
497 to this section may continue in their positions until the
498 expiration of their term pursuant to their agreement. However,
499 oversight of all public guardians shall transfer to the
500 ~~Statewide Public Guardianship Office~~ of Public and Professional
501 Guardians upon the effective date of this act. The executive
502 director of the ~~Statewide Public Guardianship Office~~ of Public
503 and Professional Guardians shall be responsible for all future
504 appointments of public guardians pursuant to this act.

505 Section 14. Section 744.704, Florida Statutes, is
506 renumbered as section 744.2007, Florida Statutes.

507 Section 15. Section 744.705, Florida Statutes, is
508 renumbered as section 744.2008, Florida Statutes.

509 Section 16. Section 744.706, Florida Statutes, is
510 renumbered as section 744.2009, Florida Statutes, and amended to
511 read:

512 744.2009 ~~744.706~~ Preparation of budget.—Each public
513 guardian, whether funded in whole or in part by money raised
514 through local efforts, grants, or any other source or whether
515 funded in whole or in part by the state, shall prepare a budget
516 for the operation of the office of public guardian to be
517 submitted to the ~~Statewide Public Guardianship Office~~ of Public
518 and Professional Guardians. As appropriate, the ~~Statewide Public~~
519 ~~Guardianship Office~~ of Public and Professional Guardians will
520 include such budgetary information in the Department of Elderly
521 Affairs' legislative budget request. The office of public
522 guardian shall be operated within the limitations of the General

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523 Appropriations Act and any other funds appropriated by the
524 Legislature to that particular judicial circuit, subject to the
525 provisions of chapter 216. The Department of Elderly Affairs
526 shall make a separate and distinct request for an appropriation
527 for the ~~Statewide Public Guardianship~~ Office of Public and
528 Professional Guardians. However, this section may ~~shall~~ not be
529 construed to preclude the financing of any operations of the
530 office of ~~the~~ public guardian by moneys raised through local
531 effort or through the efforts of the ~~Statewide Public~~
532 ~~Guardianship~~ Office of Public and Professional Guardians.

533 Section 17. Section 744.707, Florida Statutes, is
534 renumbered as section 744.2101, Florida Statutes, and amended to
535 read:

536 744.2101 ~~744.707~~ Procedures and rules.—The public guardian,
537 subject to the oversight of the ~~Statewide Public Guardianship~~
538 Office of Public and Professional Guardians, is authorized to:

539 (1) Formulate and adopt necessary procedures to assure the
540 efficient conduct of the affairs of the ward and general
541 administration of the office and staff.

542 (2) Contract for services necessary to discharge the duties
543 of the office.

544 (3) Accept the services of volunteer persons or
545 organizations and provide reimbursement for proper and necessary
546 expenses.

547 Section 18. Section 744.709, Florida Statutes, is
548 renumbered as section 744.2102, Florida Statutes.

549 Section 19. Section 744.708, Florida Statutes, is
550 renumbered as section 744.2103, Florida Statutes, and
551 subsections (3), (4), (5), and (7) of that section are amended,

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552 to read:

553 744.2103 ~~744.708~~ Reports and standards.—

554 (3) A public guardian shall file an annual report on the
555 operations of the office of public guardian, in writing, by
556 September 1 for the preceding fiscal year with the ~~Statewide~~
557 ~~Public Guardianship~~ Office of Public and Professional Guardians,
558 which shall have responsibility for supervision of the
559 operations of the office of public guardian.

560 (4) Within 6 months of his or her appointment as guardian
561 of a ward, the public guardian shall submit to the clerk of the
562 court for placement in the ward's guardianship file and to the
563 executive director of the ~~Statewide Public Guardianship~~ Office
564 of Public and Professional Guardians a report on his or her
565 efforts to locate a family member or friend, other person, bank,
566 or corporation to act as guardian of the ward and a report on
567 the ward's potential to be restored to capacity.

568 (5) (a) Each office of public guardian shall undergo an
569 independent audit by a qualified certified public accountant at
570 least once every 2 years. A copy of the audit report shall be
571 submitted to the ~~Statewide Public Guardianship~~ Office of Public
572 and Professional Guardians.

573 (b) In addition to regular monitoring activities, the
574 ~~Statewide Public Guardianship~~ Office of Public and Professional
575 Guardians shall conduct an investigation into the practices of
576 each office of public guardian related to the managing of each
577 ward's personal affairs and property. If feasible, the
578 investigation shall be conducted in conjunction with the
579 financial audit of each office of public guardian under
580 paragraph (a).

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581 (7) The ratio for professional staff to wards shall be 1
582 professional to 40 wards. The ~~Statewide Public Guardianship~~
583 Office of Public and Professional Guardians may increase or
584 decrease the ratio after consultation with the local public
585 guardian and the chief judge of the circuit court. The basis for
586 the decision to increase or decrease the prescribed ratio must
587 be included in the annual report to the secretary.

588 Section 20. Section 744.7081, Florida Statutes, is
589 renumbered as section 744.2104, Florida Statutes, and amended to
590 read:

591 744.2104 ~~744.7081~~ Access to records by the Statewide Public
592 Guardianship Office of Public and Professional Guardians;
593 confidentiality.-

594 (1) Notwithstanding any other provision of law to the
595 contrary, any medical, financial, or mental health records held
596 by an agency, or the court and its agencies, or financial audits
597 prepared by the clerk of the court pursuant to s. 744.368 and
598 held by the court, which are necessary as part of an
599 investigation of a guardian as a result of a complaint filed
600 with the Office of Public and Professional Guardians to evaluate
601 the public guardianship system, to assess the need for
602 additional public guardianship, or to develop required reports,
603 shall be provided to the ~~Statewide Public Guardianship~~ Office of
604 Public and Professional Guardians upon that office's request.
605 Any confidential or exempt information provided to the ~~Statewide~~
606 ~~Public Guardianship~~ Office of Public and Professional Guardians
607 shall continue to be held confidential or exempt as otherwise
608 provided by law.

609 (2) All records held by the ~~Statewide Public Guardianship~~

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610 Office of Public and Professional Guardians relating to the
611 medical, financial, or mental health of vulnerable adults as
612 defined in chapter 415, persons with a developmental disability
613 as defined in chapter 393, or persons with a mental illness as
614 defined in chapter 394, shall be confidential and exempt from s.
615 119.07(1) and s. 24(a), Art. I of the State Constitution.

616 Section 21. Section 744.7082, Florida Statutes, is
617 renumbered as section 744.2105, Florida Statutes, and
618 subsections (1) through (5) and (8) of that section are amended,
619 to read:

620 744.2105 ~~744.7082~~ Direct-support organization; definition;
621 use of property; board of directors; audit; dissolution.—

622 (1) DEFINITION.—As used in this section, the term “direct-
623 support organization” means an organization whose sole purpose
624 is to support the ~~Statewide Public Guardianship~~ Office of Public
625 and Professional Guardians and is:

626 (a) A not-for-profit corporation incorporated under chapter
627 617 and approved by the Department of State;

628 (b) Organized and operated to conduct programs and
629 activities; to raise funds; to request and receive grants,
630 gifts, and bequests of moneys; to acquire, receive, hold,
631 invest, and administer, in its own name, securities, funds,
632 objects of value, or other property, real or personal; and to
633 make expenditures to or for the direct or indirect benefit of
634 the ~~Statewide Public Guardianship~~ Office of Public and
635 Professional Guardians; and

636 (c) Determined by the ~~Statewide Public Guardianship~~ Office
637 of Public and Professional Guardians to be consistent with the
638 goals of the office, in the best interests of the state, and in

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639 accordance with the adopted goals and mission of the Department
640 of Elderly Affairs and the ~~Statewide Public Guardianship~~ Office
641 of Public and Professional Guardians.

642 (2) CONTRACT.—The direct-support organization shall operate
643 under a written contract with the ~~Statewide Public Guardianship~~
644 Office of Public and Professional Guardians. The written
645 contract must provide for:

646 (a) Certification by the ~~Statewide Public Guardianship~~
647 Office of Public and Professional Guardians that the direct-
648 support organization is complying with the terms of the contract
649 and is doing so consistent with the goals and purposes of the
650 office and in the best interests of the state. This
651 certification must be made annually and reported in the official
652 minutes of a meeting of the direct-support organization.

653 (b) The reversion of moneys and property held in trust by
654 the direct-support organization:

655 1. To the ~~Statewide Public Guardianship~~ Office of Public
656 and Professional Guardians if the direct-support organization is
657 no longer approved to operate for the office;

658 2. To the ~~Statewide Public Guardianship~~ Office of Public
659 and Professional Guardians if the direct-support organization
660 ceases to exist;

661 3. To the Department of Elderly Affairs if the ~~Statewide~~
662 ~~Public Guardianship~~ Office of Public and Professional Guardians
663 ceases to exist; or

664 4. To the state if the Department of Elderly Affairs ceases
665 to exist.

666
667 The fiscal year of the direct-support organization shall begin

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668 on July 1 of each year and end on June 30 of the following year.

669 (c) The disclosure of the material provisions of the
670 contract, and the distinction between the ~~Statewide Public~~
671 ~~Guardianship~~ Office of Public and Professional Guardians and the
672 direct-support organization, to donors of gifts, contributions,
673 or bequests, including such disclosure on all promotional and
674 fundraising publications.

675 (3) BOARD OF DIRECTORS.—The Secretary of Elderly Affairs
676 shall appoint a board of directors for the direct-support
677 organization from a list of nominees submitted by the executive
678 director of the ~~Statewide Public Guardianship~~ Office of Public
679 and Professional Guardians.

680 (4) USE OF PROPERTY.—The Department of Elderly Affairs may
681 permit, without charge, appropriate use of fixed property and
682 facilities of the department or the ~~Statewide Public~~
683 ~~Guardianship~~ Office of Public and Professional Guardians by the
684 direct-support organization. The department may prescribe any
685 condition with which the direct-support organization must comply
686 in order to use fixed property or facilities of the department
687 or the ~~Statewide Public Guardianship~~ Office of Public and
688 Professional Guardians.

689 (5) MONEYS.—Any moneys may be held in a separate depository
690 account in the name of the direct-support organization and
691 subject to the provisions of the written contract with the
692 ~~Statewide Public Guardianship~~ Office of Public and Professional
693 Guardians. Expenditures of the direct-support organization shall
694 be expressly used to support the ~~Statewide Public Guardianship~~
695 Office of Public and Professional Guardians. The expenditures of
696 the direct-support organization may not be used for the purpose

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697 of lobbying as defined in s. 11.045.

698 (8) DISSOLUTION.—~~A~~ ~~After July 1, 2004,~~ any not-for-profit
699 corporation incorporated under chapter 617 that is determined by
700 a circuit court to be representing itself as a direct-support
701 organization created under this section, but that does not have
702 a written contract with the ~~Statewide Public Guardianship~~ Office
703 of Public and Professional Guardians in compliance with this
704 section, is considered to meet the grounds for a judicial
705 dissolution described in s. 617.1430(1)(a). The ~~Statewide Public~~
706 ~~Guardianship~~ Office of Public and Professional Guardians shall
707 be the recipient for all assets held by the dissolved
708 corporation which accrued during the period that the dissolved
709 corporation represented itself as a direct-support organization
710 created under this section.

711 Section 22. Section 744.712, Florida Statutes, is
712 renumbered as section 744.2106, Florida Statutes, and amended to
713 read:

714 744.2106 ~~744.712~~ Joining Forces for Public Guardianship
715 grant program; purpose.—The Legislature establishes the Joining
716 Forces for Public Guardianship matching grant program for the
717 purpose of assisting counties to establish and fund community-
718 supported public guardianship programs. The Joining Forces for
719 Public Guardianship matching grant program shall be established
720 and administered by the ~~Statewide Public Guardianship~~ Office of
721 Public and Professional Guardians within the Department of
722 Elderly Affairs. The purpose of the program is to provide
723 startup funding to encourage communities to develop and
724 administer locally funded and supported public guardianship
725 programs to address the needs of indigent and incapacitated

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726 residents.

727 (1) The ~~Statewide Public Guardianship~~ Office of Public and
728 Professional Guardians may distribute the grant funds as
729 follows:

730 (a) As initial startup funding to encourage counties that
731 have no office of public guardian to establish an office, or as
732 initial startup funding to open an additional office of public
733 guardian within a county whose public guardianship needs require
734 more than one office of public guardian.

735 (b) As support funding to operational offices of public
736 guardian that demonstrate a necessity for funds to meet the
737 public guardianship needs of a particular geographic area in the
738 state which the office serves.

739 (c) To assist counties that have an operating public
740 guardianship program but that propose to expand the geographic
741 area or population of persons they serve, or to develop and
742 administer innovative programs to increase access to public
743 guardianship in this state.

744
745 Notwithstanding this subsection, the executive director of the
746 office may award emergency grants if he or she determines that
747 the award is in the best interests of public guardianship in
748 this state. Before making an emergency grant, the executive
749 director must obtain the written approval of the Secretary of
750 Elderly Affairs. Subsections (2), (3), and (4) do not apply to
751 the distribution of emergency grant funds.

752 (2) One or more grants may be awarded within a county.
753 However, a county may not receive an award that equals, or
754 multiple awards that cumulatively equal, more than 20 percent of

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755 the total amount of grant funds appropriated during any fiscal
756 year.

757 (3) If an applicant is eligible and meets the requirements
758 to receive grant funds more than once, the ~~Statewide Public~~
759 ~~Guardianship~~ Office of Public and Professional Guardians shall
760 award funds to prior awardees in the following manner:

761 (a) In the second year that grant funds are awarded, the
762 cumulative sum of the award provided to one or more applicants
763 within the same county may not exceed 75 percent of the total
764 amount of grant funds awarded within that county in year one.

765 (b) In the third year that grant funds are awarded, the
766 cumulative sum of the award provided to one or more applicants
767 within the same county may not exceed 60 percent of the total
768 amount of grant funds awarded within that county in year one.

769 (c) In the fourth year that grant funds are awarded, the
770 cumulative sum of the award provided to one or more applicants
771 within the same county may not exceed 45 percent of the total
772 amount of grant funds awarded within that county in year one.

773 (d) In the fifth year that grant funds are awarded, the
774 cumulative sum of the award provided to one or more applicants
775 within the same county may not exceed 30 percent of the total
776 amount of grant funds awarded within that county in year one.

777 (e) In the sixth year that grant funds are awarded, the
778 cumulative sum of the award provided to one or more applicants
779 within the same county may not exceed 15 percent of the total
780 amount of grant funds awarded within that county in year one.

781

782 The ~~Statewide Public Guardianship~~ Office of Public and
783 Professional Guardians may not award grant funds to any

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784 applicant within a county that has received grant funds for more
785 than 6 years.

786 (4) Grant funds shall be used only to provide direct
787 services to indigent wards, except that up to 10 percent of the
788 grant funds may be retained by the awardee for administrative
789 expenses.

790 (5) Implementation of the program is subject to a specific
791 appropriation by the Legislature in the General Appropriations
792 Act.

793 Section 23. Section 744.713, Florida Statutes, is
794 renumbered as section 744.2107, Florida Statutes, and amended to
795 read:

796 744.2107 ~~744.713~~ Program administration; duties of the
797 ~~Statewide Public Guardianship~~ Office of Public and Professional
798 Guardians.—The ~~Statewide Public Guardianship~~ Office of Public
799 and Professional Guardians shall administer the grant program.
800 The office shall:

801 (1) Publicize the availability of grant funds to entities
802 that may be eligible for the funds.

803 (2) Establish an application process for submitting a grant
804 proposal.

805 (3) Request, receive, and review proposals from applicants
806 seeking grant funds.

807 (4) Determine the amount of grant funds each awardee may
808 receive and award grant funds to applicants.

809 (5) Develop a monitoring process to evaluate grant
810 awardees, which may include an annual monitoring visit to each
811 awardee's local office.

812 (6) Ensure that persons or organizations awarded grant

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813 funds meet and adhere to the requirements of this act.

814 Section 24. Section 744.714, Florida Statutes, is
815 renumbered as section 744.2108, Florida Statutes, and paragraph
816 (b) of subsection (1) and paragraph (b) of subsection (2) of
817 that section are amended, to read:

818 744.2108 ~~744.714~~ Eligibility.—

819 (1) Any person or organization that has not been awarded a
820 grant must meet all of the following conditions to be eligible
821 to receive a grant:

822 (b) The applicant must have already been appointed by, or
823 is pending appointment by, the ~~Statewide Public Guardianship~~
824 Office of Public and Professional Guardians to become an office
825 of public guardian in this state.

826 (2) Any person or organization that has been awarded a
827 grant must meet all of the following conditions to be eligible
828 to receive another grant:

829 (b) The applicant must have been appointed by, or is
830 pending reappointment by, the ~~Statewide Public Guardianship~~
831 Office of Public and Professional Guardians to be an office of
832 public guardian in this state.

833 Section 25. Section 744.715, Florida Statutes, is
834 renumbered as section 744.2109, Florida Statutes, and amended to
835 read:

836 744.2109 ~~744.715~~ Grant application requirements; review
837 criteria; awards process.—Grant applications must be submitted
838 to the ~~Statewide Public Guardianship~~ Office of Public and
839 Professional Guardians for review and approval.

840 (1) A grant application must contain:

841 (a) The specific amount of funds being requested.

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842 (b) The proposed annual budget for the office of public
843 guardian for which the applicant is applying on behalf of,
844 including all sources of funding, and a detailed report of
845 proposed expenditures, including administrative costs.

846 (c) The total number of wards the applicant intends to
847 serve during the grant period.

848 (d) Evidence that the applicant has:

849 1. Attempted to procure funds and has exhausted all
850 possible other sources of funding; or

851 2. Procured funds from local sources, but the total amount
852 of the funds collected or pledged is not sufficient to meet the
853 need for public guardianship in the geographic area that the
854 applicant intends to serve.

855 (e) An agreement or confirmation from a local funding
856 source, such as a county, municipality, or any other public or
857 private organization, that the local funding source will
858 contribute matching funds to the public guardianship program
859 totaling not less than \$1 for every \$1 of grant funds awarded.
860 For purposes of this section, an applicant may provide evidence
861 of agreements or confirmations from multiple local funding
862 sources showing that the local funding sources will pool their
863 contributed matching funds to the public guardianship program
864 for a combined total of not less than \$1 for every \$1 of grant
865 funds awarded. In-kind contributions, such as materials,
866 commodities, office space, or other types of facilities,
867 personnel services, or other items as determined by rule shall
868 be considered by the office and may be counted as part or all of
869 the local matching funds.

870 (f) A detailed plan describing how the office of public

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871 guardian for which the applicant is applying on behalf of will
872 be funded in future years.

873 (g) Any other information determined by rule as necessary
874 to assist in evaluating grant applicants.

875 (2) If the ~~Statewide Public Guardianship~~ Office of Public
876 and Professional Guardians determines that an applicant meets
877 the requirements for an award of grant funds, the office may
878 award the applicant any amount of grant funds the executive
879 director deems appropriate, if the amount awarded meets the
880 requirements of this act. The office may adopt a rule allocating
881 the maximum allowable amount of grant funds which may be
882 expended on any ward.

883 (3) A grant awardee must submit a new grant application for
884 each year of additional funding.

885 (4) (a) In the first year of the Joining Forces for Public
886 Guardianship program's existence, the ~~Statewide Public~~
887 ~~Guardianship~~ Office of Public and Professional Guardians shall
888 give priority in awarding grant funds to those entities that:

889 1. Are operating as appointed offices of public guardians
890 in this state;

891 2. Meet all of the requirements for being awarded a grant
892 under this act; and

893 3. Demonstrate a need for grant funds during the current
894 fiscal year due to a loss of local funding formerly raised
895 through court filing fees.

896 (b) In each fiscal year after the first year that grant
897 funds are distributed, the ~~Statewide Public Guardianship~~ Office
898 of Public and Professional Guardians may give priority to
899 awarding grant funds to those entities that:

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900 1. Meet all of the requirements of this section and ss.
901 744.2106, 744.2107, and 744.2108 ~~this act~~ for being awarded
902 grant funds; and

903 2. Submit with their application an agreement or
904 confirmation from a local funding source, such as a county,
905 municipality, or any other public or private organization, that
906 the local funding source will contribute matching funds totaling
907 an amount equal to or exceeding \$2 for every \$1 of grant funds
908 awarded by the office. An entity may submit with its application
909 agreements or confirmations from multiple local funding sources
910 showing that the local funding sources will pool their
911 contributed matching funds to the public guardianship program
912 for a combined total of not less than \$2 for every \$1 of grant
913 funds awarded. In-kind contributions allowable under this
914 section shall be evaluated by the ~~Statewide Public Guardianship~~
915 Office of Public and Professional Guardians and may be counted
916 as part or all of the local matching funds.

917 Section 26. Subsection (3), paragraph (c) of subsection
918 (4), and subsections (5) and (6) of section 744.3135, Florida
919 Statutes, are amended to read:

920 744.3135 Credit and criminal investigation.—

921 (3) For professional guardians, the court and the ~~Statewide~~
922 ~~Public Guardianship~~ Office of Public and Professional Guardians
923 shall accept the satisfactory completion of a criminal history
924 record check by any method described in this subsection. A
925 professional guardian satisfies the requirements of this section
926 by undergoing an electronic fingerprint criminal history record
927 check. A professional guardian may use any electronic
928 fingerprinting equipment used for criminal history record

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929 checks. By October 1, 2016, the ~~Statewide Public Guardianship~~
930 Office of Public and Professional Guardians shall adopt a rule
931 detailing the acceptable methods for completing an electronic
932 fingerprint criminal history record check under this section.
933 The professional guardian shall pay the actual costs incurred by
934 the Federal Bureau of Investigation and the Department of Law
935 Enforcement for the criminal history record check. The entity
936 completing the record check must immediately send the results of
937 the criminal history record check to the clerk of the court and
938 the ~~Statewide Public Guardianship~~ Office of Public and
939 Professional Guardians. The clerk of the court shall maintain
940 the results in the professional guardian's file and shall make
941 the results available to the court.

942 (4)

943 (c) The Department of Law Enforcement shall search all
944 arrest fingerprints received under s. 943.051 against the
945 fingerprints retained in the statewide automated biometric
946 identification system under paragraph (b). Any arrest record
947 that is identified with the fingerprints of a person described
948 in this paragraph must be reported to the clerk of court. The
949 clerk of court must forward any arrest record received for a
950 professional guardian to the ~~Statewide Public Guardianship~~
951 Office of Public and Professional Guardians within 5 days. Each
952 professional guardian who elects to submit fingerprint
953 information electronically shall participate in this search
954 process by paying an annual fee to the ~~Statewide Public~~
955 Guardianship Office of Public and Professional Guardians of the
956 Department of Elderly Affairs and by informing the clerk of
957 court and the ~~Statewide Public Guardianship~~ Office of Public and

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958 Professional Guardians of any change in the status of his or her
959 guardianship appointment. The amount of the annual fee to be
960 imposed for performing these searches and the procedures for the
961 retention of professional guardian fingerprints and the
962 dissemination of search results shall be established by rule of
963 the Department of Law Enforcement. At least once every 5 years,
964 the ~~Statewide Public Guardianship~~ Office of Public and
965 Professional Guardians must request that the Department of Law
966 Enforcement forward the fingerprints maintained under this
967 section to the Federal Bureau of Investigation.

968 (5) (a) A professional guardian, and each employee of a
969 professional guardian who has a fiduciary responsibility to a
970 ward, must complete, at his or her own expense, an investigation
971 of his or her credit history before and at least once every 2
972 years after the date of the guardian's registration with the
973 ~~Statewide Public Guardianship~~ Office of Public and Professional
974 Guardians.

975 (b) By October 1, 2016, the ~~Statewide Public Guardianship~~
976 Office of Public and Professional Guardians shall adopt a rule
977 detailing the acceptable methods for completing a credit
978 investigation under this section. If appropriate, the ~~Statewide~~
979 ~~Public Guardianship~~ Office of Public and Professional Guardians
980 may administer credit investigations. If the office chooses to
981 administer the credit investigation, the office may adopt a rule
982 setting a fee, not to exceed \$25, to reimburse the costs
983 associated with the administration of a credit investigation.

984 (6) The ~~Statewide Public Guardianship~~ Office of Public and
985 Professional Guardians may inspect at any time the results of
986 any credit or criminal history record check of a public or

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987 professional guardian conducted under this section. The office
988 shall maintain copies of the credit or criminal history record
989 check results in the guardian's registration file. If the
990 results of a credit or criminal investigation of a public or
991 professional guardian have not been forwarded to the ~~Statewide~~
992 ~~Public Guardianship~~ Office of Public and Professional Guardians
993 by the investigating agency, the clerk of the court shall
994 forward copies of the results of the investigations to the
995 office upon receiving them.

996 Section 27. Section 744.701, Florida Statutes, is repealed.

997 Section 28. Section 744.702, Florida Statutes, is repealed.

998 Section 29. Section 744.7101, Florida Statutes, is
999 repealed.

1000 Section 30. Section 744.711, Florida Statutes, is repealed.

1001 Section 31. Subsection (5) of section 400.148, Florida
1002 Statutes, is amended to read:

1003 400.148 Medicaid "Up-or-Out" Quality of Care Contract
1004 Management Program.—

1005 (5) The agency shall, jointly with the ~~Statewide Public~~
1006 ~~Guardianship~~ Office of Public and Professional Guardians,
1007 develop a system in the pilot project areas to identify Medicaid
1008 recipients who are residents of a participating nursing home or
1009 assisted living facility who have diminished ability to make
1010 their own decisions and who do not have relatives or family
1011 available to act as guardians in nursing homes listed on the
1012 Nursing Home Guide Watch List. The agency and the ~~Statewide~~
1013 ~~Public Guardianship~~ Office of Public and Professional Guardians
1014 shall give such residents priority for publicly funded
1015 guardianship services.

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1016 Section 32. Paragraph (d) of subsection (3) of section
1017 744.331, Florida Statutes, is amended to read:

1018 744.331 Procedures to determine incapacity.—

1019 (3) EXAMINING COMMITTEE.—

1020 (d) A member of an examining committee must complete a
1021 minimum of 4 hours of initial training. The person must complete
1022 2 hours of continuing education during each 2-year period after
1023 the initial training. The initial training and continuing
1024 education program must be developed under the supervision of the
1025 ~~Statewide Public Guardianship~~ Office of Public and Professional
1026 Guardians, in consultation with the Florida Conference of
1027 Circuit Court Judges; the Elder Law and the Real Property,
1028 Probate and Trust Law sections of The Florida Bar; and the
1029 Florida State Guardianship Association; ~~and the Florida~~
1030 ~~Guardianship Foundation~~. The court may waive the initial
1031 training requirement for a person who has served for not less
1032 than 5 years on examining committees. If a person wishes to
1033 obtain his or her continuing education on the Internet or by
1034 watching a video course, the person must first obtain the
1035 approval of the chief judge before taking an Internet or video
1036 course.

1037 Section 33. Paragraph (a) of subsection (1) of section
1038 20.415, Florida Statutes, is amended to read:

1039 20.415 Department of Elderly Affairs; trust funds.—The
1040 following trust funds shall be administered by the Department of
1041 Elderly Affairs:

1042 (1) Administrative Trust Fund.

1043 (a) Funds to be credited to and uses of the trust fund
1044 shall be administered in accordance with ss. 215.32, 744.534,

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1045 and 744.2001 ~~744.7021~~.

1046 Section 34. Paragraph (e) of subsection (2) of section
1047 415.1102, Florida Statutes, is amended to read:

1048 415.1102 Adult protection teams.—

1049 (2) Such teams may be composed of, but need not be limited
1050 to:

1051 (e) Public and professional guardians as described in part
1052 II ~~IX~~ of chapter 744.

1053 Section 35. Paragraph (a) of subsection (7) of section
1054 744.309, Florida Statutes, is amended to read:

1055 744.309 Who may be appointed guardian of a resident ward.—

1056 (7) FOR-PROFIT CORPORATE GUARDIAN.—A for-profit corporate
1057 guardian existing under the laws of this state is qualified to
1058 act as guardian of a ward if the entity is qualified to do
1059 business in the state, is wholly owned by the person who is the
1060 circuit's public guardian in the circuit where the corporate
1061 guardian is appointed, has met the registration requirements of
1062 s. 744.2002 ~~s. 744.1083~~, and posts and maintains a bond or
1063 insurance policy under paragraph (a).

1064 (a) The for-profit corporate guardian must meet one of the
1065 following requirements:

1066 1. Post and maintain a blanket fiduciary bond of at least
1067 \$250,000 with the clerk of the circuit court in the county in
1068 which the corporate guardian has its principal place of
1069 business. The corporate guardian shall provide proof of the
1070 fiduciary bond to the clerks of each additional circuit court in
1071 which he or she is serving as a guardian. The bond must cover
1072 all wards for whom the corporation has been appointed as a
1073 guardian at any given time. The liability of the provider of the

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1074 bond is limited to the face value of the bond, regardless of the
1075 number of wards for whom the corporation is acting as a
1076 guardian. The terms of the bond must cover the acts or omissions
1077 of each agent or employee of the corporation who has direct
1078 contact with the ward or access to the assets of the
1079 guardianship. The bond must be payable to the Governor and his
1080 or her successors in office and be conditioned on the faithful
1081 performance of all duties of a guardian under this chapter. The
1082 bond is in lieu of and not in addition to the bond required
1083 under s. 744.2003 ~~s. 744.1085~~ but is in addition to any bonds
1084 required under s. 744.351. The expenses incurred to satisfy the
1085 bonding requirements of this section may not be paid with the
1086 assets of any ward; or

1087 2. Maintain a liability insurance policy that covers any
1088 losses sustained by the guardianship caused by errors,
1089 omissions, or any intentional misconduct committed by the
1090 corporation's officers or agents. The policy must cover all
1091 wards for whom the corporation is acting as a guardian for
1092 losses up to \$250,000. The terms of the policy must cover acts
1093 or omissions of each agent or employee of the corporation who
1094 has direct contact with the ward or access to the assets of the
1095 guardianship. The corporate guardian shall provide proof of the
1096 policy to the clerk of each circuit court in which he or she is
1097 serving as a guardian.

1098 Section 36. Section 744.524, Florida Statutes, is amended
1099 to read:

1100 744.524 Termination of guardianship on change of domicile
1101 of resident ward.—When the domicile of a resident ward has
1102 changed as provided in s. 744.1098 ~~s. 744.2025~~, and the foreign

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1103 court having jurisdiction over the ward at the ward's new
1104 domicile has appointed a guardian and that guardian has
1105 qualified and posted a bond in an amount required by the foreign
1106 court, the guardian in this state may file her or his final
1107 report and close the guardianship in this state. The guardian of
1108 the property in this state shall cause a notice to be published
1109 once a week for 2 consecutive weeks, in a newspaper of general
1110 circulation published in the county, that she or he has filed
1111 her or his accounting and will apply for discharge on a day
1112 certain and that jurisdiction of the ward will be transferred to
1113 the state of foreign jurisdiction. If an objection is filed to
1114 the termination of the guardianship in this state, the court
1115 shall hear the objection and enter an order either sustaining or
1116 overruling the objection. Upon the disposition of all objections
1117 filed, or if no objection is filed, final settlement shall be
1118 made by the Florida guardian. On proof that the remaining
1119 property in the guardianship has been received by the foreign
1120 guardian, the guardian of the property in this state shall be
1121 discharged. The entry of the order terminating the guardianship
1122 in this state shall not exonerate the guardian or the guardian's
1123 surety from any liability previously incurred.

1124 Section 37. This act shall take effect upon becoming a law.