

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

586-00777-16

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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.