

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Burton offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 72-134 and insert:

7 guardian under s. 744.309(2). This subsection does not apply to
8 a public guardian appointed under s. 744.2006 who seeks
9 appointment as a guardian of a person of limited financial means
10 and whose compensation as a guardian for such person would be
11 paid from the Office of Public and Professional Guardians or any
12 local government ~~The petition for appointment of a professional~~
13 ~~guardian must comply with the provisions of subsection (1), and~~
14 ~~must state that the petitioner is a professional guardian.~~

15 Section 4. Subsection (1) of section 744.363, Florida
16 Statutes, is amended to read:

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17 744.363 Initial guardianship plan.—

18 (1) The initial guardianship plan shall include all of the
19 following:

20 (a) The provision of medical, mental, or personal care
21 services for the welfare of the ward.~~†~~

22 (b) The provision of social and personal services for the
23 welfare of the ward.~~†~~

24 (c) The place and kind of residential setting best suited
25 for the needs of the ward.~~†~~

26 (d) The application of health and accident insurance and
27 any other private or governmental benefits to which the ward may
28 be entitled to meet any part of the costs of medical, mental
29 health, or related services provided to the ward.~~†~~ ~~and~~

30 (e) Any physical and mental examinations necessary to
31 determine the ward's medical and mental health treatment needs.

32 (f) A list of any preexisting do-not-resuscitate orders
33 executed under s. 401.45(3) or preexisting advance directives,
34 as defined in s. 765.101, the date an order or directive was
35 signed, whether such order or directive has been suspended by
36 the court, and a description of the steps taken to identify and
37 locate the preexisting do-not-resuscitate order or advance
38 directive.

39 Section 5. Subsection (3) of section 744.367, Florida
40 Statutes, is amended to read:

41 744.367 Duty to file annual guardianship report.—

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42 (3) (a) The annual guardianship report of a guardian of the
43 property must consist of an annual accounting, and the annual
44 guardianship report of a guardian of the person must consist of
45 an annual guardianship plan. The annual guardianship report of a
46 guardian of the property and the annual guardianship report of a
47 guardian of the person must both include a declaration of all
48 remuneration received by the guardian from any source for
49 services rendered to or on behalf of the ward. As used in this
50 paragraph, the term "remuneration" means any payment or other
51 benefit made directly or indirectly, overtly or covertly, or in
52 cash or in kind to the guardian.

53 (b) The annual guardianship report must ~~shall~~ be served on
54 the ward, unless the ward is a minor or is totally
55 incapacitated, and on the attorney for the ward, if any. The
56 guardian shall provide a copy to any other person as the court
57 may direct.

58 Section 6. Paragraph (d) is added to subsection (1) of
59 section 744.3675, Florida Statutes, to read:

60 744.3675 Annual guardianship plan.—Each guardian of the
61 person must file with the court an annual guardianship plan
62 which updates information about the condition of the ward. The
63 annual plan must specify the current needs of the ward and how
64 those needs are proposed to be met in the coming year.

65 (1) Each plan for an adult ward must, if applicable,
66 include:

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67 (d) A list of any preexisting do-not-resuscitate orders
68 executed under s. 401.45(3) or preexisting advance directives,
69 as defined in s. 765.101, the date an order or directive was
70 signed, whether such order or directive has been suspended by
71 the court, and a description of the steps taken to identify and
72 locate the preexisting do-not-resuscitate order or advance
73 directive.

74 Section 7. Section 744.3725, Florida Statutes, is amended
75 to read:

76 744.3725 Procedure for extraordinary authority.—

77 (1) Before the court may grant authority to a guardian to
78 exercise any of the rights specified in s. 744.3215(4), the
79 court must:

80 (a)~~(1)~~ Appoint an independent attorney to act on the
81 incapacitated person's behalf, and the attorney must have the
82 opportunity to meet with the person and to present evidence and
83 cross-examine witnesses at any hearing on the petition for
84 authority to act;

85 (b)~~(2)~~ Receive as evidence independent medical,
86 psychological, and social evaluations with respect to the
87 incapacitated person by competent professionals or appoint its
88 own experts to assist in the evaluations;

89 (c)~~(3)~~ Personally meet with the incapacitated person to
90 obtain its own impression of the person's capacity, so as to
91 afford the incapacitated person the full opportunity to express

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92 his or her personal views or desires with respect to the
93 judicial proceeding and issue before the court;

94 ~~(d)(4)~~ Find by clear and convincing evidence that the
95 person lacks the capacity to make a decision about the issue
96 before the court and that the incapacitated person's capacity is
97 not likely to change in the foreseeable future; and

98 ~~(e)(5)~~ Be persuaded by clear and convincing evidence that
99 the authority being requested is in the best interests of the
100 incapacitated person.

101 (2) For a petition filed under s. 744.3215(4)(f), if the
102 court determines, based on the facts presented by the guardian
103 and any accompanying documents, that the ward is experiencing an
104 exigent situation such that a decision whether to resuscitate is
105 likely to be encountered within 14 days of filing the petition,
106 the judge shall make a determination within 72 hours after the
107 filing of the petition.

108 (3) The provisions of this section and s. 744.3215(4) are
109 procedural and do not establish any new or independent right to
110 or authority over the termination of parental rights,
111 dissolution of marriage, sterilization, abortion, or the
112 termination of life support systems.

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T I T L E A M E N D M E N T

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116 Remove line 15 and insert:

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Bill No. HB 709 (2020)

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117 requirements of the annual guardianship plan; Enter Amending
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