

By the Committee on Judiciary; and Senator Burgess

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1                   A bill to be entitled  
2       An act relating to guardianships; amending s. 744.306,  
3       F.S.; deleting provisions relating to foreign  
4       guardianship orders; amending s. 744.363, F.S.;  
5       authorizing a guardian to sign an order not to  
6       resuscitate in certain limited circumstances; amending  
7       s. 744.3675, F.S.; authorizing a guardian to sign an  
8       order not to resuscitate in certain limited  
9       circumstances; amending s. 744.441, F.S.; authorizing  
10      a guardian to consent to the entry of an order not to  
11      resuscitate by a physician under certain limited  
12      circumstances; requiring a guardian to notify the  
13      court within a certain time after signing or  
14      consenting to the entry of an order not to  
15      resuscitate; creating part IX of ch. 744, Florida  
16      Statutes, entitled the "Florida Guardianship  
17      Jurisdiction Act"; creating s. 744.74, F.S.; providing  
18      a short title; creating s. 744.75, F.S.; providing  
19      legislative purpose and construction; creating s.  
20      744.76, F.S.; defining terms; creating s. 744.77,  
21      F.S.; providing construction relating to international  
22      application; creating s. 744.78, F.S.; authorizing  
23      courts of this state to communicate with courts of  
24      another state relating to certain proceedings;  
25      requiring courts of this state to make a record of  
26      such communication; specifying communications that  
27      interested persons must be able to participate in;  
28      creating s. 744.79, F.S.; specifying actions that a  
29      court of this state may request from, and perform for,

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30 a court of another state in certain guardianship  
31 proceedings; creating s. 744.80, F.S.; authorizing  
32 courts of this state to permit witness testimony by  
33 certain means; providing that certain evidence may be  
34 excluded after a judicial determination of  
35 admissibility; creating s. 744.81, F.S.; specifying  
36 factors a court must consider in determining whether a  
37 respondent has a significant connection with a  
38 particular state; creating s. 744.82, F.S.; providing  
39 construction relating to the basis for jurisdiction;  
40 creating s. 744.83, F.S.; specifying circumstances  
41 when a court of this state has jurisdiction in certain  
42 guardianship proceedings; creating s. 744.84, F.S.;  
43 specifying the special jurisdiction of courts of this  
44 state; providing procedures relating to the  
45 appointment of an emergency temporary guardian under  
46 certain circumstances; creating s. 744.85, F.S.;  
47 providing that a court that has appointed a guardian  
48 has exclusive and continuing jurisdiction until  
49 certain conditions are met; creating s. 744.86, F.S.;  
50 authorizing a court of this state to decline to  
51 exercise its jurisdiction under certain circumstances;  
52 specifying requirements for such court; specifying  
53 factors a court must consider in determining whether  
54 it is an appropriate forum; creating s. 744.87, F.S.;  
55 authorizing a court to decline to exercise  
56 jurisdiction or to exercise jurisdiction for a limited  
57 purpose under certain circumstances; authorizing a  
58 court to assess certain expenses against certain

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59 persons; prohibiting the court from assessing certain  
60 fees, costs, or expenses against this state; creating  
61 s. 744.88, F.S.; providing notice requirements for  
62 certain petitions to appoint a guardian; creating s.  
63 744.89, F.S.; providing procedures when certain  
64 proceedings are pending in more than one state;  
65 creating s. 744.90, F.S.; authorizing a guardian  
66 appointed in this state to petition to transfer the  
67 guardianship to another state; providing notice  
68 requirements; providing requirements and procedures  
69 for the court; specifying conditions before a court  
70 issues a final order confirming the transfer and  
71 terminating the guardianship; providing a requirement  
72 for the guardian in filing a petition for discharge;  
73 creating s. 744.91, F.S.; specifying requirements and  
74 procedures for the transfer of a guardianship from  
75 another state; providing construction; creating s.  
76 744.92, F.S.; providing a procedure for registering  
77 guardianship orders in this state under certain  
78 circumstances; creating s. 744.93, F.S.; providing  
79 construction relating to the effect of registering a  
80 guardianship order; creating s. 744.94, F.S.;  
81 providing construction relating to uniformity of law;  
82 creating s. 744.95, F.S.; providing construction  
83 relating to the federal Electronic Signatures in  
84 Global and National Commerce Act; providing  
85 applicability; providing an effective date.

86  
87 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 744.306, Florida Statutes, is amended to read:

744.306 Authority of guardian to accept payment of debt owed to ward ~~Foreign guardians.~~

~~(1) When the residence of a ward of a foreign guardian is moved to this state, the guardian shall, within 60 days after such change of residence, file the authenticated order of her or his appointment with the clerk of the court in the county where the ward resides. Such order shall be recognized and given full faith and credit in the courts of this state. The guardian and the ward are subject to this chapter.~~

~~(2) A guardian appointed in any state, territory, or country may maintain or defend any action in this state as a representative of her or his ward.~~

(1) ~~(3)~~ A debtor ~~Debtors~~ who has not ~~have~~ received a ne written demand for payment from a guardian appointed in this state within 60 days after the appointment of a guardian, curator, conservator, or committee in any state, territory, or country other than this state, and whose property in this state is subject to a mortgage or other lien securing the debt held by the foreign guardian, curator, conservator, or committee, may pay the debt to the foreign guardian, curator, conservator, or committee after the expiration of 60 days from the date of her or his appointment. A satisfaction of the mortgage or lien, executed after the 60 days have expired by the foreign guardian, curator, conservator, or committee, with an authenticated copy of the letters or other evidence of authority of the foreign guardian, curator, conservator, or committee attached, may be

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117 recorded in the public records of this state and shall  
118 constitute an effective discharge of the mortgage or lien,  
119 irrespective of whether the debtor had received written demand  
120 before paying the debt.

121 (2) ~~(4)~~ A person ~~All persons~~ indebted to a ward, or having  
122 possession of personal property belonging to a ward, who has not  
123 ~~have~~ received a no written demand for payment of the  
124 indebtedness or the delivery of the property from a guardian  
125 appointed in this state is ~~are~~ authorized to pay the  
126 indebtedness or to deliver the personal property to the foreign  
127 guardian, curator, conservator, or committee after the  
128 expiration of the 60 days from the date of her or his  
129 appointment.

130 Section 2. Paragraph (f) of subsection (1) of section  
131 744.363, Florida Statutes, is amended to read:

132 744.363 Initial guardianship plan.—

133 (1) The initial guardianship plan shall include all of the  
134 following:

135 (f) A list of any preexisting orders not to resuscitate  
136 executed under s. 401.45(3) or preexisting advance directives,  
137 as defined in s. 765.101, the date an order or directive was  
138 signed, whether such order or directive has been suspended by  
139 the court, and a description of the steps taken to identify and  
140 locate the preexisting order not to resuscitate or advance  
141 directive. If a preexisting order not to resuscitate is  
142 disclosed in a court approved initial guardianship plan and has  
143 not been suspended by the court, a plenary guardian or a limited  
144 guardian of a ward may sign an order not to resuscitate as  
145 provided in s. 401.45(3) without prior court approval under s.

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146 744.441(2).

147 Section 3. Paragraph (d) of subsection (1) of section  
148 744.3675, Florida Statutes, is amended to read:

149 744.3675 Annual guardianship plan.—Each guardian of the  
150 person must file with the court an annual guardianship plan  
151 which updates information about the condition of the ward. The  
152 annual plan must specify the current needs of the ward and how  
153 those needs are proposed to be met in the coming year.

154 (1) Each plan for an adult ward must, if applicable,  
155 include:

156 (d) A list of any preexisting orders not to resuscitate  
157 executed under s. 401.45(3) or preexisting advance directives,  
158 as defined in s. 765.101, the date an order or directive was  
159 signed, whether such order or directive has been suspended by  
160 the court, and a description of the steps taken to identify and  
161 locate the preexisting order not to resuscitate or advance  
162 directive. If a preexisting order not to resuscitate is  
163 disclosed in a court approved annual guardianship plan and has  
164 not been suspended by the court, a plenary guardian or a limited  
165 guardian of a ward may sign an order not to resuscitate as  
166 provided in s. 401.45(3) without prior court approval under s.  
167 744.441(2).

168 Section 4. Subsection (2) of section 744.441, Florida  
169 Statutes, is amended to read:

170 744.441 Powers of guardian upon court approval.—After  
171 obtaining approval of the court pursuant to a petition for  
172 authorization to act:

173 (2) A plenary guardian or a limited guardian of a ward may  
174 sign an order not to resuscitate as provided in s. 401.45(3).

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175 When a plenary guardian or a limited guardian of a ward seeks to  
176 obtain approval of the court to sign an order not to  
177 resuscitate, if required by exigent circumstances, the court  
178 must hold a preliminary hearing within 72 hours after the  
179 petition is filed, and:

180 (a) Rule on the relief requested immediately after the  
181 preliminary hearing; or

182 (b) Conduct an evidentiary hearing not later than 4 days  
183 after the preliminary hearing and rule on the relief requested  
184 immediately after the evidentiary hearing.

185 (c) Notwithstanding paragraph (a), if the ward is  
186 hospitalized and exigent circumstances exist which do not allow  
187 time for the guardian to seek court approval under paragraph  
188 (a), without prior court approval, the guardian may consent to  
189 an order not to resuscitate being entered in the ward's chart by  
190 a physician provided the hospital ethics committee has met and  
191 agrees with the entry of an order not to resuscitate.

192 (d) As soon as reasonable, and not more than 72 hours after  
193 signing an order not to resuscitate or consenting to an order  
194 being entered in the ward's chart, the guardian must file notice  
195 of such action with the court attaching documentation supporting  
196 the decision or a copy of the court's order issued pursuant to  
197 paragraph (a).

198 Section 5. Part IX of chapter 744, Florida Statutes,  
199 consisting of ss. 744.74-744.96, Florida Statutes, is created  
200 and entitled the "Florida Guardianship Jurisdiction Act."

201 Section 6. Section 744.74, Florida Statutes, is created to  
202 read:

203 744.74 Short title.—Sections 744.74-744.396 may be cited as

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204 the "Florida Guardianship Jurisdiction Act."

205 Section 7. Section 744.75, Florida Statutes, is created to  
206 read:

207 744.75 Purpose; construction.—The purpose of this part is  
208 to provide clear direction to the courts, attorneys, guardians,  
209 and individuals about the proper jurisdiction for guardianship  
210 proceedings. This part is intended to supplement, but not  
211 replace, other parts of this chapter which provide procedures  
212 for determining incapacity, appointing guardians, managing  
213 estates, and other procedures as governed by this chapter. The  
214 general purposes of this part are to:

215 (1) Avoid jurisdictional competition and conflict with  
216 courts of other states in matters of guardianship.

217 (2) Establish procedures for transferring guardianship from  
218 one state to another state when an adult ward moves.

219 (3) Avoid relitigating the guardianship decisions of other  
220 states in this state.

221 (4) Discourage the use of the interstate system for  
222 continuing controversies over guardianship.

223 (5) Provide a uniform national system for registration and  
224 enforcement of out-of-state orders appointing a guardian.

225 Section 8. Section 744.76, Florida Statutes, is created to  
226 read:

227 744.76 Definitions.—As used in this part, the term:

228 (1) "Home state" means the state in which the respondent  
229 was physically present, including any period of temporary  
230 absence, for at least 6 consecutive months immediately before  
231 the filing of a petition for incapacity, guardianship, or  
232 similar petition. If no such state exists, then the home state

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233 is the state in which the respondent was physically present,  
234 including any period of temporary absence, for at least 6  
235 consecutive months ending within the 6 months immediately before  
236 the filing of the petition.

237 (2) "Respondent" means an adult who is an alleged  
238 incapacitated person or ward.

239 (3) "Significant-connection state" means a state, other  
240 than the home state, with which a respondent has a significant  
241 connection other than mere physical presence, and in which  
242 substantial evidence concerning the respondent is available.

243 (4) "State" means a state of the United States, the  
244 District of Columbia, Puerto Rico, the United States Virgin  
245 Islands, a federally recognized Indian tribe, or any territory  
246 or insular possession subject to the jurisdiction of the United  
247 States.

248 Section 9. Section 744.77, Florida Statutes, is created to  
249 read:

250 744.77 International application of part.—A court of this  
251 state may treat a foreign country as if it were a state of the  
252 United States for purposes of applying this part.

253 Section 10. Section 744.78, Florida Statutes, is created to  
254 read:

255 744.78 Communication between courts.—

256 (1) A court of this state may communicate with a court of  
257 another state concerning a proceeding arising under this  
258 chapter; however, the court of this state shall make a record of  
259 the communication.

260 (2) Communications between courts may not occur without the  
261 ability of interested persons to also participate in the

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262 communication, either in person or by other means of  
263 participation. Interested persons need not be a party to the  
264 internal communications between the clerks of the various  
265 courts.

266 Section 11. Section 744.79, Florida Statutes, is created to  
267 read:

268 744.79 Cooperation between courts.—

269 (1) In a guardianship proceeding in this state, a court of  
270 this state may request the appropriate court of another state to  
271 do any of the following:

272 (a) Hold a hearing.

273 (b) Order a person in that state to produce evidence or  
274 given testimony pursuant to procedures of that state.

275 (c) Order that an evaluation or assessment be made of the  
276 respondent.

277 (d) Order any appropriate investigation of a person  
278 involved in a proceeding.

279 (e) Forward to the court of this state a certified copy of  
280 the transcript or other records of a hearing under paragraph (a)  
281 or any other proceeding, any evidence otherwise produced under  
282 paragraph (b), and any evaluation or assessment prepared in  
283 compliance with an order under paragraph (c) or paragraph (d).

284 (f) Issue any order necessary to assure the appearance in  
285 the proceeding of a person whose presence is necessary for the  
286 court to make a determination, including the respondent.

287 (g) Issue an order authorizing the release of medical,  
288 financial, criminal, or other relevant information in that  
289 state, including protected health information as defined in 45  
290 C.F.R. s. 160.103.

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291       (2) If a court of another state in which a guardianship  
292 proceeding is pending requests the kind of assistance described  
293 in subsection (1), a court of this state has jurisdiction for  
294 the limited purpose of granting the request or making reasonable  
295 efforts to comply with the request.

296       Section 12. Section 744.80, Florida Statutes, is created to  
297 read:

298       744.80 Taking testimony in another state.—

299       (1) In a guardianship proceeding, upon agreement of all the  
300 parties, a court of this state may permit a witness located in  
301 another state to be deposed or to testify by telephone,  
302 audiovisual, or other electronic means.

303       (2) Documentary evidence transmitted from another state to  
304 a court of this state by technological means which does not  
305 produce an original writing may be excluded from evidence after  
306 a judicial determination of admissibility.

307       Section 13. Section 744.81, Florida Statutes, is created to  
308 read:

309       744.81 Significant-connection factors.—In determining  
310 whether a respondent has a significant connection with a  
311 particular state, the court shall consider the following:

312       (1) The location of the respondent's family and other  
313 persons required to be notified of the guardianship proceeding.

314       (2) The length of time that the respondent was physically  
315 present in the state at any point in time and the duration of  
316 any absence.

317       (3) The location of the respondent's property.

318       (4) The extent to which the respondent has ties to the  
319 state, such as voting registration, state or local tax return

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320 filing, vehicle registration, driver license, social  
321 relationships, and receipt of services.

322 Section 14. Section 744.82, Florida Statutes, is created to  
323 read:

324 744.82 Exclusive basis for jurisdiction.—This part provides  
325 the exclusive jurisdictional basis for a court of this state to  
326 appoint a guardian for an adult. If the courts of this state  
327 have jurisdiction, the appropriate venue shall be determined as  
328 provided in s. 744.1097.

329 Section 15. Section 744.83, Florida Statutes, is created to  
330 read:

331 744.83 Jurisdiction.—A court of this state has jurisdiction  
332 to determine incapacity, appoint a guardian, or undertake  
333 similar proceedings if any of the following applies:

334 (1) This state is the respondent's home state.

335 (2) On the date a petition is filed, this state is a  
336 significant-connection state and:

337 (a) The respondent does not have a home state, or a court  
338 of the respondent's home state has declined to exercise  
339 jurisdiction because this state is a more appropriate forum; or

340 (b) The respondent has a home state but a petition for an  
341 appointment or order is not pending in a court of that state or  
342 another significant-connection state, and before the court of  
343 this state makes the appointment or issues an order:

344 1. A petition to determine incapacity, appoint a guardian,  
345 or other similar proceeding is not filed in the respondent's  
346 home state;

347 2. An objection to the jurisdiction of the court of this  
348 state is not filed by a person required to be notified of the

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349 proceeding; and

350 3. The court of this state concludes that it is the  
351 appropriate forum after considering the factors set forth in s.  
352 744.86.

353 (3) This state does not have jurisdiction under subsection  
354 (1) or subsection (2), the respondent's home state and all  
355 significant-connection states have declined to exercise  
356 jurisdiction because this state is the more appropriate forum,  
357 and jurisdiction in this state is consistent with the State  
358 Constitution and the United States Constitution.

359 (4) The requirements for special jurisdiction under s.  
360 744.84 are met.

361 Section 16. Section 744.84, Florida Statutes, is created to  
362 read:

363 744.84 Special jurisdiction.-

364 (1) A court of this state has jurisdiction to do the  
365 following:

366 (a) In accordance with this chapter, appoint an emergency  
367 temporary guardian pursuant to s. 744.3031 for a person who is  
368 physically present in this state.

369 (b) Appoint a guardian for a ward for whom a provisional  
370 order to transfer the proceeding from another state has been  
371 issued.

372 (2) If a petition for the appointment of an emergency  
373 temporary guardian is brought in this state and this state is  
374 not the respondent's home state on the date that the petition is  
375 filed, the court must dismiss the proceeding at the request of  
376 the court of the home state, if any such request is made, only  
377 after a hearing and judicial determination of the appropriate

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378 forum of the alleged incapacitated person based on those factors  
379 as set forth in s. 744.86, whether by the home state or this  
380 state. If, after the hearing, the home state and this state  
381 differ in their determination of which is the appropriate forum,  
382 the determination of the home state shall prevail, whether  
383 dismissal is requested before or after the emergency  
384 appointment.

385 Section 17. Section 744.85, Florida Statutes, is created to  
386 read:

387 744.85 Exclusive and continuing jurisdiction.—Except as  
388 otherwise provided in s. 744.84, a court that has appointed a  
389 guardian consistent with this part has exclusive and continuing  
390 jurisdiction over the proceeding only until a determination is  
391 made as to the proper jurisdiction of the action, the  
392 jurisdiction is terminated by the court, or the appointment or  
393 order expires by its own terms.

394 Section 18. Section 744.86, Florida Statutes, is created to  
395 read:

396 744.86 Appropriate forum.—

397 (1) A court of this state having jurisdiction to appoint a  
398 guardian may decline to exercise its jurisdiction if it  
399 determines at any time that a court of another state is a more  
400 appropriate forum.

401 (2) If a court of this state declines to exercise its  
402 jurisdiction under subsection (1), it must dismiss or stay the  
403 proceeding. The court may impose any condition that the court  
404 considers just and proper, including requiring that a petition  
405 for the appointment of a guardian or issuance of similar  
406 petition be filed promptly in another state.

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407 (3) In determining whether it is an appropriate forum, the  
408 court shall consider all relevant factors, including:

409 (a) Any expressed preference of the respondent.

410 (b) Whether abuse, neglect, or exploitation of the  
411 respondent has occurred or is likely to occur, and which state  
412 could best protect the respondent from the abuse, neglect, or  
413 exploitation.

414 (c) The length of time the respondent was physically  
415 present in or was a legal resident of this or another state.

416 (d) The distance of the respondent from the court in each  
417 state.

418 (e) The financial circumstances of the respondent's estate.

419 (f) The nature and location of the evidence.

420 (g) The ability of the court in each state to decide the  
421 issue expeditiously and the procedures necessary to present  
422 evidence.

423 (h) The familiarity of the court of each state with the  
424 facts and issues in the proceeding.

425 (i) If an appointment was made, the court's ability to  
426 monitor the conduct of the guardian or conservator.

427 Section 19. Section 744.87, Florida Statutes, is created to  
428 read:

429 744.87 Jurisdiction declined by reason of conduct.—

430 (1) If at any time a court of this state determines that it  
431 acquired jurisdiction to appoint a guardian because a person  
432 seeking to invoke its jurisdiction engaged in bad faith or  
433 unlawful conduct, the court may:

434 (a) Decline to exercise jurisdiction; or

435 (b) Exercise jurisdiction for the limited purpose of

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436 fashioning an appropriate remedy to ensure the health, safety,  
437 and welfare of the respondent or protecting the respondent's  
438 property, or both, including staying the proceeding until a  
439 petition for the appointment of a guardian is filed in a court  
440 of another state having jurisdiction.

441 (2) If a court of this state determines that it acquired  
442 jurisdiction to appoint a guardian because a person seeking to  
443 invoke its jurisdiction engaged in bad faith or unlawful  
444 conduct, it may assess that person necessary and reasonable  
445 expenses, including attorney fees, investigative fees, court  
446 costs, communication expenses, witness fees and expenses, and  
447 travel expenses. The court may not assess fees, costs, or  
448 expenses of any kind against this state or a governmental  
449 subdivision, agency, or instrumentality of this state unless  
450 otherwise expressly authorized by law.

451 Section 20. Section 744.88, Florida Statutes, is created to  
452 read:

453 744.88 Notice of proceeding.—If a petition for the  
454 appointment of a guardian is brought in this state and this  
455 state is not the respondent's home state on the date that the  
456 petition was filed, the petitioner must provide notice of the  
457 petition to those persons who would be entitled to notice of the  
458 petition in this state and in the respondent's home state.

459 Section 21. Section 744.89, Florida Statutes, is created to  
460 read:

461 744.89 Proceedings in more than one state.—Except for a  
462 petition for the appointment of an emergency temporary guardian,  
463 if a petition for the appointment of a guardian is filed in this  
464 state and in another state and neither petition has been

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465 dismissed or withdrawn, the following rules apply:

466 (1) If the court of this state has jurisdiction under this  
467 chapter, it may proceed with the case unless a court of another  
468 state acquires jurisdiction before the appointment of the  
469 guardian or issuance of the order.

470 (2) If the court of this state does not have jurisdiction  
471 under this chapter after a hearing and judicial determination of  
472 same, whether at the time the petition is filed or at any time  
473 before the appointment of a guardian or issuance of an order,  
474 the court must stay the proceeding and communicate with the  
475 court of the other state. If the court of the other state has  
476 jurisdiction after a hearing and judicial determination of same,  
477 the court of this state must dismiss the petition unless the  
478 court of the other state determines that the court of this state  
479 is a more appropriate forum.

480 Section 22. Section 744.90, Florida Statutes, is created to  
481 read:

482 744.90 Transfer of guardianship to another state.—

483 (1) A guardian appointed in this state may petition the  
484 court to transfer the guardianship to another state as provided  
485 in s. 744.1098(1).

486 (2) Notice of a petition under subsection (1) must be given  
487 to the ward and all of the next of kin of the ward.

488 (3) On the court's own motion or upon request of the  
489 guardian, the ward, or both, the court shall hold a hearing on a  
490 petition filed under subsection (1).

491 (4) The court may issue an order provisionally granting a  
492 petition to transfer a guardianship and shall direct the  
493 guardian to petition for guardianship in the other state if the

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494 court is satisfied that the guardianship will likely be accepted  
495 by the court of the other state and the court finds that:

496 (a) The ward is physically present in or is reasonably  
497 expected to move permanently to the other state;

498 (b) An objection to the transfer has not been made or, if  
499 an objection has been made, the objector has not established  
500 that the transfer would be contrary to the best interests of the  
501 ward ; and

502 (c) Plans for care and services for the ward in the other  
503 state are reasonable and sufficient.

504 (5) The court shall issue a final order confirming the  
505 transfer and terminating the guardianship upon its receipt of:

506 (a) A provisional order accepting the proceeding from the  
507 court to which the proceeding is to be transferred and issued  
508 under provisions similar to s. 744.89; and

509 (b) The documents required, including any required  
510 accountings, to terminate a guardianship in this state.

511 (6) The guardian of the ward in this state shall file a  
512 petition for discharge in accordance with part VII of this  
513 chapter within 60 days after receipt of an order confirming the  
514 transfer of the guardianship to another jurisdiction.

515 Section 23. Section 744.91, Florida Statutes, is created to  
516 read:

517 744.91 Accepting guardianship transferred from another  
518 state.—

519 (1) Within 60 days after the residence of a ward of a  
520 foreign guardian is moved to this state, the foreign guardian  
521 appointed in another state shall file a petition to determine  
522 incapacity and a petition to appoint a guardian with the clerk

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523 of court in the county in which the ward resides. The petitions  
524 must include a certified copy of the other state's provisional  
525 order of transfer, in addition to a certified copy of the  
526 guardian's letters of guardianship or the equivalent.

527 (2) Notice of the petitions under subsection (1) must be  
528 given to those persons who would be entitled to notice in this  
529 state in the same manner as notice is required to be given in  
530 this state and the respondent's home state.

531 (3) The court shall hold a hearing on the petitions filed  
532 pursuant to the procedures set forth in this chapter.

533 (4) The court shall issue orders provisionally granting the  
534 petitions unless:

535 (a) An objection is made and the objector establishes that  
536 transfer of the proceeding would be contrary to the best  
537 interests of the ward; or

538 (b) The guardian is ineligible for appointment in this  
539 state.

540 (5) Until such time as a guardian is appointed in this  
541 state for the ward or the ward is determined to not require a  
542 guardian in this state, the foreign guardian's authority is  
543 recognized and given full faith and credit in the courts of this  
544 state, provided that the guardian is qualified to serve as the  
545 guardian of the ward in this state. A foreign guardian who fails  
546 to comply with the requirements of this section has no authority  
547 to act on behalf of the ward in this state.

548 (6) After appointment of a guardian in this state, the  
549 court may issue such orders as necessary to complete the  
550 transfer of the foreign guardianship to this state or the  
551 termination of the foreign guardianship, as may be required.

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552       (7) The authority of the guardian of a nonresident ward  
553 shall be recognized and given full faith and credit in the  
554 courts of this state. A guardian appointed in another state or  
555 country may maintain or defend any action in this state as a  
556 representative of the ward unless a guardian has been appointed  
557 in this state.

558       Section 24. Section 744.92, Florida Statutes, is created to  
559 read:

560       744.92 Registration of guardianship orders.—If a guardian  
561 has been appointed in another state and a petition for the  
562 appointment of a guardianship is not pending in this state, the  
563 guardian appointed in the other state, after giving notice of  
564 the appointment to the appointing court of the intent to  
565 register, may register the guardianship order in this state by  
566 filing it as a foreign judgment in a court of this state  
567 pursuant to ss. 744.307 and 744.308.

568       Section 25. Section 744.93, Florida Statutes, is created to  
569 read:

570       744.93 Effect of registration.—Upon registration of an  
571 order from another state appointing a guardian, the guardian or  
572 conservator may exercise in this state all powers authorized in  
573 the order of appointment except as prohibited under the laws of  
574 this state and, if the guardian is not a resident of this state,  
575 subject to any conditions imposed upon nonresident parties.

576       Section 26. Section 744.94, Florida Statutes, is created to  
577 read:

578       744.94 Uniformity of application and construction.—In  
579 applying and construing this part, consideration must be given  
580 to the need to promote uniformity of the law with respect to its

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581 subject matter among states that enact it.

582 Section 27. Section 744.95, Florida Statutes, is created to  
583 read:

584 744.95 Relation to federal Electronic Signatures in Global  
585 and National Commerce Act.—This part modifies, limits, and  
586 supersedes the federal Electronic Signatures in Global and  
587 National Commerce Act, 15 U.S.C. s. 7001 et seq., but does not  
588 modify, limit, or supersede s. 101(c) of that act, 15 U.S.C. s.  
589 7001(c), or authorize electronic delivery of any of the notices  
590 described in s. 103(b) of that act, 15 U.S.C. s. 7003(b).

591 Section 28. This act applies to new and existing  
592 guardianship proceedings on or after July 1, 2022.

593 Section 29. This act shall take effect July 1, 2022.