

**By** the Committees on Children, Families, and Elder Affairs; and  
Judiciary; and Senator Burgess

586-02810-22

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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.; specifying a  
10      plenary guardian's or limited guardian of a ward's  
11      authority to sign an order not to resuscitate the  
12      ward; authorizing such guardians to sign orders not to  
13      resuscitate and consent to orders being entered on  
14      their wards' charts under certain circumstances;  
15      requiring such guardians to file notice of such action  
16      with the court within a certain timeframe; creating  
17      part IX of ch. 744, Florida Statutes, entitled the  
18      "Florida Guardianship Jurisdiction Act"; creating s.  
19      744.74, F.S.; providing a short title; creating s.  
20      744.75, F.S.; providing legislative purpose and  
21      construction; creating s. 744.76, F.S.; defining  
22      terms; creating s. 744.77, F.S.; providing  
23      construction relating to international application;  
24      creating s. 744.78, F.S.; authorizing courts of this  
25      state to communicate with courts of another state  
26      relating to certain proceedings; requiring courts of  
27      this state to make a record of such communication;  
28      specifying communications that interested persons must  
29      be able to participate in; creating s. 744.79, F.S.;

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

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

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

90

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

93 744.306 Authority of guardian to accept payment of debt  
94 owed to ward Foreign guardians.—

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

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

105 (1) ~~(3)~~ A debtor ~~Debtors~~ who has not ~~have~~ received a no  
106 written demand for payment from a guardian appointed in this  
107 state within 60 days after the appointment of a guardian,  
108 curator, conservator, or committee in any state, territory, or  
109 country other than this state, and whose property in this state  
110 is subject to a mortgage or other lien securing the debt held by  
111 the foreign guardian, curator, conservator, or committee, may  
112 pay the debt to the foreign guardian, curator, conservator, or  
113 committee after the expiration of 60 days from the date of her  
114 or his appointment. A satisfaction of the mortgage or lien,  
115 executed after the 60 days have expired by the foreign guardian,  
116 curator, conservator, or committee, with an authenticated copy

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117 of the letters or other evidence of authority of the foreign  
118 guardian, curator, conservator, or committee attached, may be  
119 recorded in the public records of this state and shall  
120 constitute an effective discharge of the mortgage or lien,  
121 irrespective of whether the debtor had received written demand  
122 before paying the debt.

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

132 Section 2. Paragraph (f) of subsection (1) of section  
133 744.363, Florida Statutes, is amended to read:

134 744.363 Initial guardianship plan.—

135 (1) The initial guardianship plan shall include all of the  
136 following:

137 (f) A list of any preexisting orders not to resuscitate  
138 executed under s. 401.45(3) or preexisting advance directives,  
139 as defined in s. 765.101, the date an order or directive was  
140 signed, whether such order or directive has been suspended by  
141 the court, and a description of the steps taken to identify and  
142 locate the preexisting order not to resuscitate or advance  
143 directive. If a preexisting order not to resuscitate is  
144 disclosed in a court-approved initial guardianship plan and has  
145 not been suspended by the court, a plenary guardian or a limited

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146 guardian of a ward may sign an order not to resuscitate as  
147 provided in s. 401.45(3) without prior court approval under s.  
148 744.441(2).

149 Section 3. Paragraph (d) of subsection (1) of section  
150 744.3675, Florida Statutes, is amended to read:

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

156 (1) Each plan for an adult ward must, if applicable,  
157 include:

158 (d) A list of any preexisting orders not to resuscitate  
159 executed under s. 401.45(3) or preexisting advance directives,  
160 as defined in s. 765.101, the date an order or directive was  
161 signed, whether such order or directive has been suspended by  
162 the court, and a description of the steps taken to identify and  
163 locate the preexisting order not to resuscitate or advance  
164 directive. If a preexisting order not to resuscitate is  
165 disclosed in a court-approved annual guardianship plan and has  
166 not been suspended by the court, a plenary guardian or a limited  
167 guardian of a ward may sign an order not to resuscitate as  
168 provided in s. 401.45(3) without prior court approval under s.  
169 744.441(2).

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

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

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175           (2) (a) A plenary guardian or a limited guardian of a ward  
176 may sign an order not to resuscitate as provided in s. 401.45(3)  
177 for a ward who does not have such an order in effect. When  
178 seeking a plenary guardian or a limited guardian of a ward seeks  
179 to obtain approval of the court to sign an order not to  
180 resuscitate, if required by exigent circumstances, the court  
181 must hold a preliminary hearing within 72 hours after the  
182 petition is filed, and:

183           1. ~~(a)~~ Rule on the relief requested immediately after the  
184 preliminary hearing; or

185           2. ~~(b)~~ Conduct an evidentiary hearing not later than 4 days  
186 after the preliminary hearing and rule on the relief requested  
187 immediately after the evidentiary hearing.

188           (b)1. Notwithstanding paragraph (a), if the ward is  
189 hospitalized and exigent circumstances exist which do not allow  
190 time for the guardian to seek court approval under paragraph  
191 (a), without prior court approval, the guardian may sign an  
192 order not to resuscitate on behalf of the ward and consent to  
193 the order being entered in the ward's chart by a physician,  
194 provided the hospital ethics committee has met and agrees with  
195 the entry of an order not to resuscitate.

196           2. As soon as reasonable, and not more than 72 hours after  
197 signing an order not to resuscitate and consenting to the order  
198 being entered in the ward's chart, the guardian must file notice  
199 of such action with the court along with documentation  
200 supporting the decision.

201           Section 5. Part IX of chapter 744, Florida Statutes,  
202 consisting of ss. 744.74-744.95, Florida Statutes, is created  
203 and entitled the "Florida Guardianship Jurisdiction Act."

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204 Section 6. Section 744.74, Florida Statutes, is created to  
205 read:

206 744.74 Short title.—Sections 744.74-744.95 may be cited as  
207 the “Florida Guardianship Jurisdiction Act.”

208 Section 7. Section 744.75, Florida Statutes, is created to  
209 read:

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

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

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

222 (3) Avoid relitigating the guardianship decisions of other  
223 states in this state.

224 (4) Discourage the use of the interstate system for  
225 continuing controversies over guardianship.

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

228 Section 8. Section 744.76, Florida Statutes, is created to  
229 read:

230 744.76 Definitions.—As used in this part, the term:

231 (1) “Home state” means the state in which the respondent  
232 was physically present, including any period of temporary



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233 absence, for at least 6 consecutive months immediately before  
234 the filing of a petition for incapacity, guardianship, or  
235 similar petition. If no such state exists, then the home state  
236 is the state in which the respondent was physically present,  
237 including any period of temporary absence, for at least 6  
238 consecutive months ending within the 6 months immediately before  
239 the filing of the petition.

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

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

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

251 Section 9. Section 744.77, Florida Statutes, is created to  
252 read:

253 744.77 International application of part.—A court of this  
254 state may treat a foreign country as if it were a state of the  
255 United States for purposes of applying this part.

256 Section 10. Section 744.78, Florida Statutes, is created to  
257 read:

258 744.78 Communication between courts.—

259 (1) A court of this state may communicate with a court of  
260 another state concerning a proceeding arising under this  
261 chapter; however, the court of this state shall make a record of

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262 the communication.

263 (2) Communications between courts may not occur without the  
264 ability of interested persons to also participate in the  
265 communication, either in person or by other means of  
266 participation. Interested persons need not be a party to the  
267 internal communications between the clerks of the various  
268 courts.

269 Section 11. Section 744.79, Florida Statutes, is created to  
270 read:

271 744.79 Cooperation between courts.—

272 (1) In a guardianship proceeding in this state, a court of  
273 this state may request the appropriate court of another state to  
274 do any of the following:

275 (a) Hold a hearing.

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

278 (c) Order that an evaluation or assessment be made of the  
279 respondent.

280 (d) Order any appropriate investigation of a person  
281 involved in a proceeding.

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

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

290 (g) Issue an order authorizing the release of medical,

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291 financial, criminal, or other relevant information in that  
292 state, including protected health information as defined in 45  
293 C.F.R. s. 160.103.

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

299 Section 12. Section 744.80, Florida Statutes, is created to  
300 read:

301 744.80 Taking testimony in another state.-

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

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

310 Section 13. Section 744.81, Florida Statutes, is created to  
311 read:

312 744.81 Significant-connection factors.-In determining  
313 whether a respondent has a significant connection with a  
314 particular state, the court shall consider the following:

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

317 (2) The length of time that the respondent was physically  
318 present in the state at any point in time and the duration of  
319 any absence.

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

321 (4) The extent to which the respondent has ties to the  
322 state, such as voting registration, state or local tax return  
323 filing, vehicle registration, driver license, social  
324 relationships, and receipt of services.

325 Section 14. Section 744.82, Florida Statutes, is created to  
326 read:

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

332 Section 15. Section 744.83, Florida Statutes, is created to  
333 read:

334 744.83 Jurisdiction.—A court of this state has jurisdiction  
335 to determine incapacity, appoint a guardian, or undertake  
336 similar proceedings if any of the following applies:

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

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

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

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

347 1. A petition to determine incapacity, appoint a guardian,  
348 or other similar proceeding is not filed in the respondent's

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349 home state;

350 2. An objection to the jurisdiction of the court of this  
351 state is not filed by a person required to be notified of the  
352 proceeding; and

353 3. The court of this state concludes that it is the  
354 appropriate forum after considering the factors set forth in s.  
355 744.86.

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

362 (4) The requirements for special jurisdiction under s.  
363 744.84 are met.

364 Section 16. Section 744.84, Florida Statutes, is created to  
365 read:

366 744.84 Special jurisdiction.—

367 (1) A court of this state has jurisdiction to do the  
368 following:

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

372 (b) Appoint a guardian for a ward for whom a provisional  
373 order to transfer the proceeding from another state has been  
374 issued.

375 (2) If a petition for the appointment of an emergency  
376 temporary guardian is brought in this state and this state is  
377 not the respondent's home state on the date that the petition is

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378 filed, the court must dismiss the proceeding at the request of  
379 the court of the home state, if any such request is made, only  
380 after a hearing and judicial determination of the appropriate  
381 forum of the alleged incapacitated person based on those factors  
382 as set forth in s. 744.86, whether by the home state or this  
383 state. If, after the hearing, the home state and this state  
384 differ in their determination of which is the appropriate forum,  
385 the determination of the home state shall prevail, whether  
386 dismissal is requested before or after the emergency  
387 appointment.

388 Section 17. Section 744.85, Florida Statutes, is created to  
389 read:

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

397 Section 18. Section 744.86, Florida Statutes, is created to  
398 read:

399 744.86 Appropriate forum.—

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

404 (2) If a court of this state declines to exercise its  
405 jurisdiction under subsection (1), it must dismiss or stay the  
406 proceeding. The court may impose any condition that the court

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407 considers just and proper, including requiring that a petition  
408 for the appointment of a guardian or issuance of similar  
409 petition be filed promptly in another state.

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

412 (a) Any expressed preference of the respondent.

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

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

419 (d) The distance of the respondent from the court in each  
420 state.

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

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

423 (g) The ability of the court in each state to decide the  
424 issue expeditiously and the procedures necessary to present  
425 evidence.

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

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

430 Section 19. Section 744.87, Florida Statutes, is created to  
431 read:

432 744.87 Jurisdiction declined by reason of conduct.—

433 (1) If at any time a court of this state determines that it  
434 acquired jurisdiction to appoint a guardian because a person  
435 seeking to invoke its jurisdiction engaged in bad faith or

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436 unlawful conduct, the court may:

437 (a) Decline to exercise jurisdiction; or

438 (b) Exercise jurisdiction for the limited purpose of  
439 fashioning an appropriate remedy to ensure the health, safety,  
440 and welfare of the respondent or protecting the respondent's  
441 property, or both, including staying the proceeding until a  
442 petition for the appointment of a guardian is filed in a court  
443 of another state having jurisdiction.

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

454 Section 20. Section 744.88, Florida Statutes, is created to  
455 read:

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

462 Section 21. Section 744.89, Florida Statutes, is created to  
463 read:

464 744.89 Proceedings in more than one state.—Except for a



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465 petition for the appointment of an emergency temporary guardian,  
466 if a petition for the appointment of a guardian is filed in this  
467 state and in another state and neither petition has been  
468 dismissed or withdrawn, the following rules apply:

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

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

483 Section 22. Section 744.90, Florida Statutes, is created to  
484 read:

485 744.90 Transfer of guardianship to another state.—

486 (1) A guardian appointed in this state may petition the  
487 court to transfer the guardianship to another state as provided  
488 in s. 744.1098(1).

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

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

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494       (4) The court may issue an order provisionally granting a  
495 petition to transfer a guardianship and shall direct the  
496 guardian to petition for guardianship in the other state if the  
497 court is satisfied that the guardianship will likely be accepted  
498 by the court of the other state and the court finds that:

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

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

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

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

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

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

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

518       Section 23. Section 744.91, Florida Statutes, is created to  
519 read:

520       744.91 Accepting guardianship transferred from another  
521 state.-

522       (1) Within 60 days after the residence of a ward of a

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523 foreign guardian is moved to this state, the foreign guardian  
524 appointed in another state shall file a petition to determine  
525 incapacity and a petition to appoint a guardian with the clerk  
526 of court in the county in which the ward resides. The petitions  
527 must include a certified copy of the other state's provisional  
528 order of transfer, in addition to a certified copy of the  
529 guardian's letters of guardianship or the equivalent.

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

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

536 (4) The court shall issue orders provisionally granting the  
537 petitions unless:

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

541 (b) The guardian is ineligible for appointment in this  
542 state.

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

551 (6) After appointment of a guardian in this state, the

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552 court may issue such orders as necessary to complete the  
553 transfer of the foreign guardianship to this state or the  
554 termination of the foreign guardianship, as may be required.

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

561 Section 24. Section 744.92, Florida Statutes, is created to  
562 read:

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

571 Section 25. Section 744.93, Florida Statutes, is created to  
572 read:

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

579 Section 26. Section 744.94, Florida Statutes, is created to  
580 read:

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581       744.94 Uniformity of application and construction.—In  
582 applying and construing this part, consideration must be given  
583 to the need to promote uniformity of the law with respect to its  
584 subject matter among states that enact it.

585       Section 27. Section 744.95, Florida Statutes, is created to  
586 read:

587       744.95 Relation to federal Electronic Signatures in Global  
588 and National Commerce Act.—This part modifies, limits, and  
589 supersedes the federal Electronic Signatures in Global and  
590 National Commerce Act, 15 U.S.C. s. 7001 et seq., but does not  
591 modify, limit, or supersede s. 101(c) of that act, 15 U.S.C. s.  
592 7001(c), or authorize electronic delivery of any of the notices  
593 described in s. 103(b) of that act, 15 U.S.C. s. 7003(b).

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

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