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APPENDIX C

Proposed Rule	Reason for Change
<p>RULE 5.050. TRANSFER OF PROCEEDINGS</p> <p>[No change]</p> <p>Committee Notes</p> <p>Subdivision (b) of this rule represents a rule implementation of the procedure found in section 744.202(3)744.1097(3), Florida Statutes.</p> <p>Rule History</p> <p>1975 Revision–2008 Revision: [No change]</p> <p><u>2016 Revision: Committee notes revised to reflect renumbering of section 744.202(3) to section 744.1097(3), Florida Statutes. Updated statutory references.</u></p> <p>Statutory References</p> <p>ch. 47, Fla. Stat. Venue.</p> <p>§ 393.12, Fla. Stat. Capacity; appointment of guardian advocate.</p> <p>§ 733.101, Fla. Stat. Venue of probate proceedings.</p> <p>§ 744.106, Fla. Stat. Notice.</p> <p>§ 744.201744.1096, Fla. Stat. Domicile of ward.</p>	<p>Amends the statutory references, within the committee notes, to reflect the renumbering of section 744.202 to section 744.1097, Florida Statutes, as amended in section 6, Chapter 2016-40, Laws of Florida.</p> <p>Updates the committee notes to reflect 2016 legislation.</p> <p>Amends the statutory references, within the committee notes, to reflect the renumbering of sections 744.201, 744.202, and 744.2025 to sections 744.1096, 744.1097, and 744.1098,</p>

<p>§ 744.202<u>744.1097</u>, Fla. Stat. Venue.</p> <p>§ 744.2025<u>744.1098</u>, Fla. Stat. Change of ward's residence.</p> <p>§ 744.306, Fla. Stat. Foreign guardians.</p> <p>§ 744.3085, Fla. Stat. Guardian advocates.</p> <p>§ 744.3201, Fla. Stat. Petition to determine incapacity.</p> <p>Rule References</p> <p>Fla. Prob. R. 5.200(d) Petition for administration.</p> <p>Fla. Prob. R. 5.240(b)(3), (d) Notice of administration.</p> <p>Fla. Prob. R. 5.649 Guardian advocate.</p> <p>Fla. R. Civ. P. 1.060 Transfers of actions.</p> <p>RULE 5.560. PETITION FOR APPOINTMENT OF GUARDIAN OF AN</p>	<p>Florida Statutes, respectively, as amended in sections 5–7, Chapter 2016-40, Laws of Florida.</p>
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INCAPACITATED PERSON

(a) Contents. The petition shall be verified by the petitioner and shall state:

(1)–(8) [No change]

(9) whether there are possible alternatives to guardianship known to the petitioner ~~that may sufficiently address the problems of the alleged incapacitated person in whole or in part~~, including, but not limited to, trust agreements, powers of attorney, or advance directives; and

(10) if the proposed guardian is a professional guardian, a statement that the proposed guardian has complied with the registration requirements of section ~~744.1083~~744.2002, Florida Statutes.

(b)–(c) [No change]

Committee Notes

Rule History

1975 Revision–2014 Revision: [No change]

20__ Revision: Subdivision (a)(9) revised to require the disclosure of whether there are possible alternatives to guardianship known to the petitioner. Committee notes revised.

20__ Revision: Subdivision (a)(10) amended to reflect the renumbering of the statute from section 744.1083 to section 744.2002, Florida Statutes. Committee notes revised to update statutory references.

NOTE TO COURT: Amendments indicated in double underline and double strikethrough are pending with the Court in *In re: Amendments to the Florida Probate Rules*, SC16-168

Amends subdivision (a)(10) to reflect the renumbering of section 744.1083 to section 744.2002, Florida Statutes, as amended in section 9, Chapter 2016-40, Laws of Florida.

NOTE TO COURT: Amendments indicated in double underline and double strikethrough are pending with the Court in *In re: Amendments to the Florida Probate Rules*, SC16-168

Updates committee note to reflect 2016 legislation.

<p>Statutory References</p> <p>§ 744.1083<u>744.2002</u>, Fla. Stat. Professional guardian registration.</p> <p>§ 744.309, Fla. Stat. Who may be appointed guardian of a resident ward.</p> <p><u>§ 744.3115, Fla. Stat. Advance directives for health care.</u></p> <p>§ 744.312, Fla. Stat. Considerations in appointment of guardian.</p> <p><u>§ 744.3201, Fla. Stat. Petition to determine incapacity.</u></p> <p>§ 744.331, Fla. Stat. Procedures to determine incapacity.</p> <p>§ 744.334, Fla. Stat. Petition for appointment of guardian or professional guardian; contents.</p> <p>§ 744.3371(1), Fla. Stat. Notice of petition for appointment of guardian and hearing.</p> <p>§ 744.341, Fla. Stat. Voluntary guardianship.</p> <p>§ 744.344<u>744.2005</u>, Fla. Stat. Order of appointment.</p> <p>§ 744.462, Fla. Stat. Determination regarding alternatives to guardianship.</p> <p>§ 744.703<u>744.2006</u>, Fla. Stat. Office of public guardian; appointment, notification.</p> <p><u>§ 765.102, Fla. Stat. Legislative intent and findings.</u></p>	<p>Amends the statutory references to reflect the renumbering of section 744.1083 to section 744.2002, Florida Statutes, as amended in section 9, Chapter 2016-40, Laws of Florida.</p> <p>NOTE TO COURT: Amendments indicated in double underline and double strikethrough are pending with the Court in <i>In re: Amendments to the Florida Probate Rules</i>, SC16-168</p> <p>Amends the statutory reference to reflect the renumbering of section 744.334 to section 744.2005, Florida Statutes, as amended in section 13, Chapter 2016-40, Laws of Florida.</p> <p>Amends the statutory reference to reflect the renumbering of section 744.703 to section 744.2006, Florida Statutes, as amended in section 14, Chapter 2016-40, Laws of</p>
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Rule References

Fla. Prob. R. 5.020 Pleadings; verification; motions.

Fla. Prob. R. 5.040 Notice.

Fla. Prob. R. 5.550 Petition to determine incapacity.

Fla. R. Jud. Admin. 2.425 Minimization of the Filing of Sensitive Information.

Florida.

RULE 5.646. STANDBY GUARDIANS

(a)–(b) [No change]

(c) Petition for Confirmation.

<p>(1) Contents. A standby guardian, not later than 20 days after the assumption of duties as guardian, shall petition for confirmation of appointment. The petition shall be verified by the petitioner and shall state:</p> <p style="padding-left: 40px;">(A)–(G) [No change]</p> <p style="padding-left: 40px;">(H) if the proposed guardian is a professional guardian, a statement that the proposed guardian has complied with the educational requirements of section 744.1083<u>744.2002</u>, Florida Statutes.</p> <p>(2) [No change]</p> <p style="text-align: center;">Committee Notes</p> <p>The standby guardian must file an oath pursuant to rule 5.600 before commencing the exercise of authority as guardian. Prior to appointment, the standby guardian must file an application pursuant to rule 5.590.</p> <p>Section 393.12(10), Florida Statutes, provides that a guardian advocate shall have all of the duties, responsibilities, and powers of a guardian under Chapter 744, Florida Statutes. However, section 744.304 authorizes the appointment of a standby guardian only for a minor or incapacitated person.</p> <p>Rule History</p> <p>2006 Revision–2014 Revision: [No change]</p> <p><u>20 Revision: Subdivision (c)(1)(H) amended to reflect the renumbering of section 744.1083 to section 744.2002, Florida</u></p>	<p style="text-align: center;">Amends subdivision (c)(1)(H) to reflect the renumbering of section 744.1083 to section 744.2002, Florida Statutes, as amended in section 9, Laws of Florida.</p>
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<p>2007 Revision–2015 Revision: [No change]</p> <p><u>20 Revision: Committee notes revised to reflect renumbering of section 744.344(4) to section 744.2005, Florida Statutes. Updated statutory references.</u></p> <p>Statutory References</p> <p>§ 744.3031, Fla. Stat. Emergency temporary guardianship.</p> <p>§ 744.344(4)<u>744.2005</u>, Fla. Stat. Order of appointment.</p> <p>Rule References</p> <p>Fla. Prob. R. 5.600 Oath.</p> <p>Fla. Prob. R. 5.690 Initial guardianship report.</p> <p>RULE 5.670. TERMINATION OF GUARDIANSHIP ON CHANGE OF DOMICILE OF RESIDENT WARD</p> <p>[No change]</p> <p>Committee Notes</p> <p>Rule History</p> <p>1977 Revision–2012 Revision: [No change]</p>	<p>Updates committee notes to reflect 2016 legislation.</p> <p>Amends the statutory references, within the committee notes, to reflect the renumbering of section 744.334 to section 744.2005, Florida Statutes, as amended in section 13, Chapter 2016-40, Laws of Florida.</p>
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<p><u>20</u> Revision: Updated statutory references. Committee notes revised.</p> <p>Statutory References</p> <p>§ 393.12, Fla. Stat. Capacity; appointment of guardian advocate.</p> <p>§ 744.102(8), (9), Fla. Stat. Definitions.</p> <p>§ 744.201<u>744.1096</u>, Fla. Stat. Domicile of ward.</p> <p>§ 744.202<u>744.1097</u>, Fla. Stat. Venue.</p> <p>§ 744.2025<u>744.1098</u>, Fla. Stat. Change of ward's residence.</p> <p>§ 744.524, Fla. Stat. Termination of guardianship on change of domicile of resident ward.</p> <p>§ 744.531, Fla. Stat. Order of discharge.</p> <p>Rule References</p> <p>Fla. Prob. R. 5.041 Service of pleadings and documents.</p> <p>Fla. Prob. R. 5.180 Waiver and consent.</p> <p>Fla. Prob. R. 5.610 Execution by guardian.</p> <p>Fla. Prob. R. 5.680 Termination of guardianship.</p> <p>Fla. R. Jud. Admin. 2.516 Service of pleadings and documents.</p>	<p>Updates committees notes to reflect 2016 legislation.</p> <p>Amends the statutory references to reflect the renumbering of sections 744.201, 744.202, and 744.2025 to sections 744.1096, 744.1097, and 744.1098, Florida Statutes, respectively, as amended in sections 5–7, Chapter 2016-40, Laws of Florida.</p>
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RULE 5.710. REPORTS OF PUBLIC GUARDIAN

The public guardian, as the guardian of a ward, shall file:

(a)–(b) [No change]

(c) a report within 6 months of his or her appointment as guardian of a ward, which shall also be filed with the executive director of the Statewide Public Guardianship Office of Public and Professional Guardians, stating:

(1)–(2) [No change]

(d) an annual report, filed with the Statewide Public Guardianship Office of Public and Professional Guardians, by

<p>September 1 for the preceding fiscal year, on the operations of the office of public guardian; and</p> <p>(e) a report of an independent audit by a qualified certified public accountant, to be filed with the Statewide Public Guardianship Office <u>Office of Public and Professional Guardians</u> every 2 years.</p> <p style="text-align: center;">Committee Notes</p> <p>Rule History</p> <p>1987 Revision–2010 Revision: [No change]</p> <p><u>20__ Revision: Subdivisions (c), (d), and (e) amended to reflect the name change of the agency to the Office of Public and Professional Guardians. Committee notes revised to reflect the repeal of Part IX of Chapter 744, Florida Statutes.</u></p> <p>Statutory Reference</p> <p>§§ 744.701–744.709 <u>744.2001–744.2109</u>, Fla. Stat. Public Guardianship Act.</p> <p>Rule Reference</p> <p>Fla. Prob. R. 5.560 Petition for appointment of guardian of an incapacitated person.</p>	<p>Amends subdivision (c) to reflect the renaming of the Statewide Public Guardianship Office as the Office of Public and Professional Guardians to conform to statutory changes to section 744.2001, Florida Statutes, as amended by section 8, Chapter 2016-40, Laws of Florida.</p> <p>Amends subdivision (d) to reflect the renaming of the Statewide Public Guardianship Office as the Office of Public and Professional Guardians to conform to statutory changes to section 744.2001, Florida Statutes, as amended by section 8, Chapter 2016-40, Laws of Florida.</p> <p>Amends subdivision (e) to reflect the renaming of the Statewide Public Guardianship Office as the Office of Public and Professional Guardians to conform to statutory changes to section 744.2001, Florida Statutes, as amended by section 8, Chapter 2016-40, Laws of Florida.</p> <p>Updates committee notes to reflect 2016 legislation.</p> <p>Amends the statutory references to reflect the</p>
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	renumbering of part II, Chapter 744, Florida Statutes.
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