

Florida Senate Majority Leader Kathleen Passidomo and State Representative Colleen Burton Aim to Protect Florida's Vulnerable Adults From Abuse and Exploitation

SB 994 and HB 709 Proposes New Protections Against Guardians Preying on Floridians

FOR IMMEDIATE RELEASE

November 21, 2019

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Tallahassee, FL – Florida Senate Majority Leader Kathleen Passidomo (R-Naples) and State Representative Colleen Burton (R-Lakeland) filed legislation this week that creates additional protections for Florida's most vulnerable adults against guardians who could abuse and exploit them without proper protection.

This legislation, SB 994 in the Senate and HB 709 in the House, would increase protections for individuals under guardianships by eliminating conflicts of interest, ensuring the vulnerable adults' finances are protected, and prohibiting the guardian from signing "do not resuscitate" orders for a ward without permission from the court.

"Most of the court appointed guardians in this state are caring, dedicated individuals. Unfortunately, we have seen too many bad actors in a guardian position preying on Floridians who need help the most, and the decisions they've made have had severe consequences on Florida families," said Leader Passidomo. "As elected officials, the most important responsibility we have is to keep Floridians safe, particularly those who are most vulnerable. This legislation reforms the law to protect Floridians from guardians seeking to take advantage of others."

"It is heartbreaking to see savings robbed, families torn apart and lives ended because of the selfishness of individuals in a guardian position," said Representative Burton. "That ends with this legislation. HB 709 will protect Floridians from guardians seeking to take advantage of these vulnerable adults."

The legislation was developed by Leader Passidomo and Representative Burton in collaboration with Secretary Richard Prudom of the Department of Elder Affairs and active participants in the guardian program, including attorneys, Clerk of Court, professional and public guardians, and advocates for wards under guardianship.

“Professional guardians are entrusted with an immense responsibility when they are appointed to care for someone else,” said Richard Prudom, Secretary for the Florida Department of Elder Affairs. “While there are many dedicated individuals who do so with honor and integrity, there are some who have used their position to prey on the vulnerable, and they must be stopped. This legislation includes important changes for Florida’s guardianship program to help restore public trust, improve transparency, and prevent the exploitation of those under the care of a guardian. Thank you, Leader Passidomo and Representative Burton, for introducing these thoughtful reforms and standing up for Florida’s most vulnerable.”

Specifically, the proposed legislation:

- Requires a court considering the appointment of a guardian to inquire and evaluate potential conflicts of interest;
- Prohibits a guardian from consenting to an order not to resuscitate on behalf of a ward without permission from a court;
- Prohibits a professional guardian from petitioning for her or his own appointment unless the petitioner is a relative; and
- Increases reporting requirements for guardians.

“What’s most important is that Floridians who need a professional guardian should know they will be in good hands,” said Leader Passidomo. “This legislation will help us do that.”

The legislation was filed on November 19.

To view SB 994, visit: <https://www.flsenate.gov/Session/Bill/2020/994>.

To view HB 709, visit: <https://www.flsenate.gov/Session/Bill/2020/709>.