



## **GUARDIANSHIP HANDBOOK 2021**

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### **1. INTRODUCTION FROM THE COURT**

The Court has appointed you as GUARDIAN of or for another person. The person over whom or over whose property you are guardian is referred to in the law and in this handbook as the WARD. The proceedings in the Court, as well as the property, over which you serve as guardian, are referred to as the GUARDIANSHIP.

This handbook has been designed as a helpful reference. It will briefly cover the general information about guardianships with which you are expected by the Court to become familiar. It will also provide certain information about the reporting requirements placed upon you by Florida law, and it contains certain sample forms for you to review when considering these reporting requirements. It is prepared in what is hoped to be easily understood language, with as few "legal terms" as possible.

This handbook is NOT intended to be a complete or exhaustive restatement of the many laws governing guardianships in Florida, nor is it intended to take the place of good legal advice from your attorney when appropriate. It is also not intended to substitute for the required training course. It is hoped that the information will give you the basic understanding necessary for you to comply with the legal requirements and limitations placed upon you, thereby avoiding problems or difficulties with the Court. However, the Court encourages you to confer with your ATTORNEY whenever you have questions or concerns about your obligations, RESPONSIBILITIES, duties, authority or liability, and, whenever possible, you should consult your attorney BEFORE taking any action about which you are concerned.

It is important for you to understand the relationship between you and the Court and Court staff. The Judge of the Court is an elected public official - a "public servant", but one with specific responsibilities. The Judge is NOT and must not become your legal advisor. The law requires the Judge to remain impartial, and there is a specific rule against the Judge discussing any aspect of any case, which is or may become contested with any party to the case unless all interested parties are present. Therefore, you should not attempt to contact the Judge to privately discuss your case, and you should

not be offended if you are informed that the Judge cannot discuss the matter with you outside a hearing.

The Judge's staff consists of employees of the Court who work for and at the direction of the Judge. It is their responsibility to process the volume of paperwork filed in the office and to attend to the administrative aspects of the operations of this office. They are here to serve you, and they will want to do so to the best of their abilities. However, they also may not serve as your legal advisors, and you should not expect them to perform legal or clerical services for you. It is NOT their responsibility or duty to complete any paperwork for you and it is not their responsibility to make a legal determination and advise you on which proceeding may be the most appropriate or advisable for you or your circumstances.

You should understand that it is the responsibility of the Judge and staff of the Court to enforce all of the requirements of the guardianship laws and the rules of the Court upon EVERY guardian. You have taken an oath as guardian to properly administer the guardianship and to comply with those laws and rules - in other words, to fulfill YOUR responsibilities. The Judge has also taken an oath to enforce the laws and to fulfill HIS/HER responsibilities, and the Judge will seek to do so. The Judge did not MAKE the laws but has the duty to ENFORCE them. The Judge and staff all well understand that serving, as a guardian for another person is not always an easy task. It is often really a BURDEN upon the guardian, and it is not the intent or desire of the Court to make that burden any greater.

Finally, please understand that the Court monitors many guardianships, in addition to the many other proceedings. The Judge and staff do try to maintain a certain familiarity with the Court files, and they often become very familiar with some files. However, everyone is best served when there is certainty about the subject of discussion. It will always be best for you to clearly identify yourself, the ward and the file (by Case No.) in any conversation or correspondence with the Court. It may become necessary for the Judge or staff member to pull the particular file for review to properly and fully discuss the file, and you might be asked to provide some information to "refresh the memory" when referring to earlier conversations with or correspondence from the Court. The Court appreciates your willingness to serve in this capacity and looks forward to working with you for the benefit of the ward. Do call upon the staff of the Court if they may be of service to you. In addition, you may wish to visit the Clerk's website at, <http://www.brevardclerk.us>, for more information.

## **2. GENERAL INFORMATION AND INSTRUCTIONS**

Guardianship is a legal relationship between the guardian and ward, much like that of an agent or attorney-in-fact, which is created by Order of a court with proper jurisdiction. In Florida, the Guardianship Courts have exclusive jurisdiction over the appointment of guardians for minors and incapacitated adults.

Guardianship may be created for the PERSON of the ward, for the PROPERTY of the ward, or for BOTH. Guardianship of the person of a minor child does differ from CUSTODY of a minor child, which is not awarded by the Guardianship Court. Guardianship Court is without authority to grant guardianship of the person of a minor child with a living parent to anyone other than the parent(s) without the consent of or notice to each living parent. The guardian of the person need not be the same person as the guardian of the property, although one person may certainly serve as both. There may be two or more guardians, who would be referred to as co-guardians.

When an Order has been issued appointing a guardian, the Court issues Letters of Guardianship to the person appointed. The Letters of Guardianship serve to evidence that the guardian has authority over the person or property (or both) of the ward. The guardian is first required to take and sign an OATH that the guardian will comply with all of the requirements of Florida law applicable to guardians.

In addition, every guardian of the property of another may be required to post a custodian or guardianship surety BOND with the Court, in such amount as may be set by the Court, to secure the faithful performance of the guardian's duties and responsibilities. The bond is, in effect, an insurance policy against any misappropriation or mismanagement of the ward's property by the guardian and that the guardian will properly administer the individual's assets.

A guardian of the person or property of another owes a duty of undivided loyalty to the ward and must act in the best interests of the ward and the ward's property. Guardians should always avoid even the appearance of a conflict of interest in management of the ward's property and/or in decisions about the ward's person. Additionally, any expenditure, which appears to or does benefit another, especially the guardian, more than the ward will be subject to scrutiny by the Court.

### **3. GUARDIANS OF THE PERSON**

A guardian of the person of another has those rights and powers reasonably necessary to provide adequately for the support, care, education and well-being of the ward. A guardian of the person is much like the parent of a child who has both the authority and the responsibility of making decisions for the child. This may mean that a guardian must make a decision which is considered to be in the ward's best interest even if the ward voices an objection, much like a parent requiring a child to attend school or receive medical treatment. It is also the guardian's duty to assist the ward in improving and developing any talents, skills or abilities the ward may have and to help the ward gain and maintain self-confidence and as much independence as may be appropriate to each circumstance. It is also the guardian's responsibility to preserve and protect, to the extent possible under the circumstances, the dignity of the ward.

A guardian of the person is entitled to custody of the ward and may establish the ward's residence, consistent with the terms of any restrictions or directions from the Court. The guardian is required to make arrangements, from funds available from the ward's estate or other sources, to support the ward in the least restrictive environment, according to the needs and resources of the ward. The guardian may also participate in legal proceedings in the name of the ward and for the ward's benefit. A guardian must be reasonably accessible to and maintain regular contact with the ward, should be friendly, courteous and tactful toward the ward at all times, and must respect and protect the individual rights and dignity of the ward. The Court's order may limit or remove from the ward certain rights or may reserve to the ward certain rights, and the authority of the guardian will be governed by the Court's order.

Guardians of the person are required to file with the Court written reports on the ward's general condition, living circumstances, progress and development, and needs. These reports are called PLANS and are covered more completely under Section 9 on Reporting Requirements. The first plan filed is called an INITIAL PLAN. It is also the guardian's responsibility to keep the Court fully informed on the whereabouts of the guardian and ward, and the guardian must report to the Court any change in the address and telephone number of the guardian and his ward.

### **4. GUARDIANS OF THE PROPERTY**

A guardian of the property of another has the duty to exercise ordinary diligence in dealing with the ward's property and may be held liable for any loss resulting from a lack of such diligence. A guardian of the property has the duty to collect and preserve the assets of the ward. Except as limited by law or the Court's order, a guardian of the property has control and authority over all property (real, personal and intangible) of the ward and succeeds to all property and contract rights removed from and not reserved to the ward.

All funds and property of the ward must be maintained, preserved, expended and used for the benefit of the ward and those who may be legally dependent upon the ward. The ward's estate should be utilized to feed, clothe, house, educate and care for the ward and his lawful dependents in the standard to which the ward and his dependents are accustomed, to the extent of and as may be limited by the ward's resources. Utilization of the ward's estate for his dependents should be after taking into account all other income of or support for the dependents. Utilization of the ward's estate for his own benefit should take into account all income and support of the ward and the expected duration of the guardianship. While preservation of the ward's estate for his heirs at law should not be of primary concern for the guardian, preservation and utilization of the estate over the expected duration of the guardianship is important and should be given due consideration by the guardian. On the other hand, the guardian should NOT waste the assets of the estate or expend it exorbitantly or above the usual standard of the ward simply to avoid preservation for the heirs or those who may be beneficiaries of a will of the ward. It is the duty and responsibility of the guardian of the property to properly manage and invest the ward's estate, and all funds of the estate must be properly invested so as to earn reasonable income for the ward.

Non-cash assets of the ward must also be properly managed and protected for the benefit of the ward. If an asset is reasonably capable of earning income, it must be dedicated to that purpose unless there is a compelling reason otherwise. Non-income-producing assets should be preserved and protected or liquidated (after proper authority is granted), as may be appropriate under the circumstances.

A guardian of the property does NOT have authority to sell, convey, transfer, mortgage, pledge or give away property of the ward without an order from the Court. The Court may, upon the application of the guardian and after appropriate notice is given as required by law, grant the guardian such authority if the proposed transaction is considered by the Court to be appropriate and proper. Generally, the assets of the ward are to be preserved for the ward's use and benefit. Sales of property of the ward are usually permitted only when necessary to provide for the care and support of the ward (and/or those dependent upon the ward) or when preservation of the asset is burdensome to the guardianship. The Court may, as appropriate, grant authority to the guardian to sell the asset at a public sale (a legal auction) or at a private sale under a specific contract.

All property of the ward titled or registered in the name of the guardian must be titled or registered in the fiduciary capacity of the guardian (i.e., as a guardian) and not in the guardian's name alone. Typically, the title, account or deed will be registered as "John Doe, as Guardian of the property of Richard Roe," although any variation, which clearly shows the fiduciary nature of the registration for the benefit of the named ward, may be accepted and approved by the Court. Bank accounts should be especially clearly designated, so as to avoid unintentional commingling of funds or attachment for debts of the guardian, and the ward's Social Security number should be provided to the Bank for the reporting of interest income and other matters to the Internal Revenue Service. Tangible items and personal property of the ward should be maintained and protected by the guardian and not be so commingled with personality of the guardian as to lose its identity as the ward's property. A guardian has no authority, absent the Court's approval, to use property of the ward in such a manner as to dissipate, depreciate, waste or consume it or otherwise use it for the guardian's own benefit.

A guardian of the property of another has the responsibility of filing, on behalf of the ward, all federal and state income tax returns, which might be required from the ward.

## **5. EMERGENCY GUARDIANS**

In situations or circumstances, which pose an immediate danger to the ward, or to the ward's assets, the Court may appoint an emergency guardian. Emergency guardians may do only those things, which may be reasonably necessary to protect the ward or his assets from the described danger, and the powers and duties of the emergency guardian are generally specified in the Court's order. Unless an earlier termination date is set in the Court's order or unless the proceeding is converted to permanent guardianship proceedings, the emergency guardianship terminates in 60 days from the date of the order.

## **6. GUARDIANS OF INCAPACITATED ADULTS**

In Florida, the Guardianship Courts may grant guardianship of the person and/or property of an adult resident of the state (or one located in this state) who, because of physical or mental illness or disability, detention by a foreign power, or other just cause, lacks sufficient understanding or capacity to make significant responsible decisions concerning his person (or is incapable of communicating those decisions) AND/OR is incapable of managing his estate or property which is likely to be wasted or dissipated unless proper management is provided.

An individual having knowledge of the pertinent facts files the petition seeking guardianship of the person or property of an alleged incapacitated adult. The Court will appoint an attorney for the ward if the ward does not employ counsel. An evaluation of the proposed ward is performed by an examining committee, which must file a written report of the evaluation with the Court. Unless the Court earlier dismisses the petition, a final hearing is held and a decision made on the petition.

The Guardianship Division of the Circuit Court has the authority, if the petition is granted, to restrict or revoke certain rights or powers of the ward, including: the power to contract marriage; the power to make contracts; the power to consent to medical treatment; the power to establish a residence or place of abode; the power to bring or defend any action at law or equity, the power to buy, sell or otherwise dispose of real, personal or trust property; and the power to enter into any business or commercial transaction.

Guardianship may be granted for the PERSON and/or over the PROPERTY of the incapacitated adult, and the guardian of the person need not be the same person as the guardian of the property. The respective responsibilities of the guardian of the person and the guardian of the property were more fully explained under General Information and Instructions.

## **7. GUARDIANS OF PROPERTY OF MINORS**

In Florida, the Guardianship Courts may grant guardianship of the property of minors. No third person may be named as guardian of the property of a minor with a living mother or father without the written consent of to the living parent(s).

A guardian of property of a minor has the same obligations with reference to management of the minor's estate, as does a guardian of an adult. Guardians generally have authority to expend INCOME in the guardianship for the benefit of the ward. However, if there is someone (a parent or parents) legally obligated to support the minor, the obligation of support must be fully satisfied. The minor's guardianship may only be used for the purpose of support and maintenance o the extent of the inability of those so responsible to provide for all the necessities of the minor. In other words, a guardian may not use even the INCOME from the child's guardianship until the parental obligation of support has been satisfied.

Guardianship of the property of a minor terminates by law upon the minor's attaining the age of majority (presently age 18 in Florida). As soon as reasonably practicable after the child's 18th birthday, the guardian is required to turn over to the ward all property of the minor then remaining in the hands of or under the control of the guardian. The guardian must file a final return and a Petition for Discharge, to which will be attached the receipt from the former minor. NOTE: The guardian should reserve the funds to pay the costs of court in connection with the final filings.

Law requires termination of the minor guardianship at the age of majority, even if the guardian believes the child is not sufficiently mature to properly manage the property to which he/she is entitled. Parents and other guardians are encouraged to use such guidance and influence as might be necessary or appropriate to aid the former minor in the proper investment and management of such property. If the former minor is incapacitated and considered by the guardian to be incapable of managing his/her estate after attaining the age of majority, the guardian may want to consider filing adult guardianship proceedings immediately after the child's eighteenth birthday and seek an order from the Court having jurisdiction over those proceedings to hold the minor-guardianship funds until the adult case may be heard.

## **8. GUARDIAN EDUCATION REQUIREMENTS**

In accordance with Florida Statute 744.3145(2) "each person appointed by the court to be a guardian must receive a minimum of 8 hours of instruction and training." To satisfy this requirement, each guardian must, within 1 year of appointment, complete the appropriate guardianship-training course. If the guardianship is based in Brevard County, you may contact Eastern Florida State College at (321) 632-1111 for further information, otherwise contact your local clerk of court's guardianship division for more information.

## **9. REPORTING REQUIREMENTS**

Guardians are required to file certain periodic reports with the Court having jurisdiction over the proceedings. These reports are intended to provide the Court certain information for the Court to properly supervise the affairs of the ward and to supervise and monitor the guardian's performance of the lawful duties and responsibilities. Failure to comply with any of the reporting requirements can subject the guardian to appear before the Court. The Court may assess costs against the guardian, may fine the guardian, may remove the guardian, or may take such other actions as may be appropriate to the circumstances of the case.

**a. PLANS**

Guardians of the person are required to file reports with the Court, which disclose the status, condition, needs and circumstances of the ward. The reports, called “Annual Plans”, tell Court what care is proposed for the ward in the coming year. They also inform the Court where the ward is located, how the ward is doing generally, how the ward’s needs are being met, and whether there has been any change in the condition or status of the ward, which might warrant the Court’s intervention, or a change in the guardianship order. The Initial Plan is due from the guardian within 60 days of the date of appointment of the guardian for a period of one year. Thereafter, Plans are filed ANNUALLY.

**b. INITIAL INVENTORIES**

Guardians of the property are required to file with the Court, within sixty days from the date of appointment, an inventory of ALL assets in the estate of the ward. The Verified Inventory must sufficiently itemize the assets and set forth a reasonable value thereof to fully disclose of record the property of the ward over which the guardian has control or authority. Inventories are designed to disclose to the Court and anyone interested in the guardianship the full value of the guardianship, which is often not known or only estimated at the time the proceedings are filed, and the guardian is given sixty days to make the complete and more accurate determination. Inventories also allow the Court to determine the sufficiency of the bond posted by the guardian.

**c. ANNUAL ACCOUNTINGS**

Guardians of the property are also required ANNUALLY to file reports with the Court. The annual accountings render an ACCOUNTING to the Court of the actions of the guardian by itemizing all receipts and expenditures in the guardianship. The Court is required by law to audit the returns of guardians, and guardians are required to maintain complete and accurate records of all of their actions as guardians. Guardians are required to maintain the records for a period of three years after the date of discharge. Upon the termination of the guardianship or upon the appointment of a successor guardian, the first guardian will be required to file a final return, which will evidence final disposition of the remaining property as required by law.

**10. TAX RETURNS**

Although not filed with the Guardianship Court, a guardian of the property has the legal responsibility of filing all required tax returns for the ward. The Internal Revenue Code contains provisions for the assessment of certain penalties against the guardian PERSONALLY for failure to file returns under certain circumstances. In addition, there are usually penalties and/or interest payable for delinquent returns (including ad valorem and intangibles returns), and such penalties or interest may be assessed by a court against the guardian personally if same results from unexcused or inexcusable neglect of the guardian.

**11. FEES AND EXPENSES**

Guardians are allowed to recover and reimburse themselves for certain expenses incurred in connection with their services as guardians. Guardians are also entitled to receive from the guardianship certain compensation for the guardian’s service.

Out-of-pocket expenses reasonably incurred by a guardian in the performance of the guardian’s duties are reimbursable to the guardian from the guardianship. To be reimbursable, the expenses must be reasonable in amount (i.e., not excessive) and must have been incurred by the guardian as a consequence of performance of some duty the guardian owes to the ward. (i.e., related specifically to the guardian’s duties and responsibilities to the ward as guardian, as opposed to some other relationship).

Reimbursable expenses do NOT include expenses incurred by a guardian in carrying out other duties or matters related to natural affection. (e.g., a son who is also his mother’s guardian, is not entitled to reimbursement of expenses incurred in a

familial visit or for presents given his mother. i.e. those things for which there was no reimbursement before the guardianship do not become reimbursable under guardianship, unless done specifically in connection with the guardianship petition itself). Reimbursable expenses can include transportation costs, lodging and meals during out-of-town travel (when appropriate), and other costs, losses and expenses actually incurred by the guardian.

### **a. INITIAL FEES AND COSTS**

When applying for Guardianship, the proposed guardian (you) will incur a number of expenses that may or may not be reimbursable out of the ward's assets, depending on the expense and whether the proposed ward has assets available to pay. Following is a list of expenses that you should consider:

Description	Fee	Reimbursable?
Attorney's fees for the Guardian	\$3,500.00-\$5,000.00 (+\$1,000.00 if EMERGENCY)	YES
Attorney's fees for the Ward	~\$2,000.00*	YES
Examining Committee	~\$1,100.00 (total for all 3 members)	YES
Bond (based on ward's assets):		NO
Assets of \$100,000	\$460.00 annual premium + 1% tax	
Assets of \$125,000	\$560.00 annual premium + 1% tax	
Assets of \$150,000	\$660.00 annual premium + 1% tax	
Court costs: Filing	\$400.00 (guardianship) + \$231.00 (incapacity)	YES
Court Costs: Certified copies	\$3/each	YES
Postage Costs: Variable	\$7/per certified mail, RRR	YES
Court costs: Verified Inventory Audit		YES
Assets of \$25,000 or less	No charge	
Assets greater than \$25,000	\$85.00	

\* Attorney is paid by the State of Florida if Ward is determined to be indigent.

### **b. ANNUAL COSTS**

Expect certain expenses to be part of the annual expenses of maintaining the guardianship, all of which are reimbursable to the guardian, with court approval. Such costs are as follows:

Description	Fee
Annual Guardianship Audit	
Assets of \$25,000 or less	\$20.00
Assets greater than \$25,000 up to and including \$100,000.00	\$85.00
Assets greater than \$100,000 up to and including \$500,000.00	\$170.00
Assets Greater than \$500,000	\$250.00
Bond (based on ward's assets)	variable
Attorney & Accountant fees	\$500.00 or more

**ADDENDUM  
FLORIDA STATUTES**

**744.441 Powers of guardian upon court approval.**--After obtaining approval of the court pursuant to a petition for authorization to act, a plenary guardian of the property, or a limited guardian of the property within the powers granted by the order appointing the guardian or an approved annual or amended guardianship report, may:

- (1) Perform, compromise, or refuse performance of a ward's contracts that continue as obligations of the estate, as he or she may determine under the circumstances.
- (2) Execute, exercise, or release any powers as trustee, personal representative, custodian for minors, conservator, or donee of any power of appointment or other power that the ward might have lawfully exercised, consummated, or executed if not incapacitated, if the best interest of the ward requires such execution, exercise, or release.
- (3) Make ordinary or extraordinary repairs or alterations in buildings or other structures; demolish any improvements; or raze existing, or erect new, party walls or buildings.
- (4) Subdivide, develop, or dedicate land to public use; make or obtain the vacation of plats and adjust boundaries; adjust differences in valuation on exchange or partition by giving or receiving consideration; or dedicate easements to public use without consideration.
- (5) Enter into a lease as lessor or lessee for any purpose, with or without option to purchase or renew, for a term within, or extending beyond, the period of guardianship.
- (6) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement.
- (7) Abandon property when, in the opinion of the guardian, it is valueless or is so encumbered or in such condition that it is of no benefit to the estate.
- (8) Pay calls, assessments, and other sums chargeable or accruing against, or on account of, securities.
- (9) Borrow money, with or without security, to be repaid from the property or otherwise and advance money for the protection of the estate.
- (10) Effect a fair and reasonable compromise with any debtor or obligor or extend, renew, or in any manner modify the terms of any obligation owing to the estate.
- (11) Prosecute or defend claims or proceedings in any jurisdiction for the protection of the estate and of the guardian in the performance of his or her duties.
- (12) Sell, mortgage, or lease any real or personal property of the estate, including homestead property, or any interest therein for cash or credit, or for part cash and part credit, and with or without security for unpaid balances.
- (13) Continue any unincorporated business or venture in which the ward was engaged.
- (14) Purchase the entire fee simple title to real estate in this state in which the guardian has no interest, but the purchase may be made only for a home for the ward, to protect the home of the ward or the ward's interest, or as a home for the ward's dependent family. If the ward is a married person and the home of the ward or of the dependent family of the ward is owned by the ward and spouse as an estate by the entirety and the home is sold pursuant to the authority of subsection (12), the court may authorize the investment of any part or all of the proceeds from the sale toward the purchase of a fee simple title to real estate in this state for a home for the ward or the dependent family of the ward as an estate by the entirety owned by the ward and spouse. If the guardian is authorized to acquire title to real estate for the ward or

dependent family of the ward as an estate by the entirety in accordance with the preceding provisions, the conveyance shall be in the name of the ward and spouse and shall be effective to create an estate by the entirety in the ward and spouse.

- (15) Exercise any option contained in any policy of insurance payable to, or inuring to the benefit of, the ward.
- (16) Pay reasonable funeral, interment, and grave marker expenses for the ward from the ward's estate, up to a maximum of \$6,000.
- (17) Make gifts of the ward's property to members of the ward's family in estate and income tax planning procedures.
- (18) When the ward's will evinces an objective to obtain a United States estate tax charitable deduction by use of a split interest trust (as that term is defined in s. 737.501), but the maximum charitable deduction otherwise allowable will not be achieved in whole or in part, execute a codicil on the ward's behalf amending said will to obtain the maximum charitable deduction allowable without diminishing the aggregate value of the benefits of any beneficiary under such will.
- (19) Create revocable or irrevocable trusts of property of the ward's estate which may extend beyond the disability or life of the ward in connection with estate, gift, income, or other tax planning or in connection with estate planning.
- (20) Renounce or disclaim any interest by testate or intestate succession or by inter vivos transfer.
- (21) Enter into contracts that are appropriate for, and in the best interest of, the ward.
- (22) As to a minor ward, pay expenses of the ward's support, health, maintenance, and education, if the ward's parents, or either of them, are alive.

**744.444 Power of guardian without court approval.**--Without obtaining court approval, a plenary guardian of the property, or a limited guardian of the property within the powers granted by the order appointing the guardian or an approved annual or amended guardianship report, may:

- (1) Retain assets owned by the ward.
- (2) Receive assets from fiduciaries or other sources.
- (3) Vote stocks or other securities in person or by general or limited proxy or not vote stocks or other securities.
- (4) Insure the assets of the estate against damage, loss, and liability and insure himself or herself against liability as to third persons.
- (5) Execute and deliver in his or her name as guardian any instrument necessary or proper to carry out and give effect to this section.
- (6) Pay taxes and assessments on the ward's property.
- (7) Pay valid encumbrances against the ward's property in accordance with their terms, but no prepayment may be made without prior court approval.
- (8) Pay reasonable living expenses for the ward, taking into consideration the accustomed standard of living, age, health, and financial condition of the ward. This subsection does not authorize the guardian of a minor to expend funds for the ward's living expenses if one or both of the ward's parents are alive.
- (9) Elect whether to dissent from a will under the provisions of s. 732.2125(2) or assert any other right or choice available to a surviving spouse in the administration of a decedent's estate.
- (10) Deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements, money market mutual funds, or other prudent investments. The guardian may redeem or sell such deposits or investments to pay the reasonable living expenses of the ward as provided herein.
- (11) Pay incidental expenses in the administration of the estate.
- (12) Sell or exercise stock subscription or conversion rights and consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise.
- (13) When reasonably necessary, employ persons, including attorneys, auditors, investment advisers, care managers, or agents, even if they are associated with the guardian, to advise or assist the guardian in the performance of his or her duties.
- (14) Execute and deliver in his or her name as guardian any instrument that is necessary or proper to carry out the orders of the court.
- (15) Hold a security in the name of a nominee or in other form without disclosure of the interest of the ward, but the guardian is liable for any act of the nominee in connection with the security so held.

(16) Pay or reimburse costs incurred and reasonable fees or compensation to persons, including attorneys, employed by the guardian pursuant to subsection (13) from the assets of the guardianship estate, subject to obtaining court approval of the annual accounting.

(17) Provide confidential information about a ward that is related to an investigation arising under part I of chapter 400 to a local or state ombudsman council member conducting such an investigation. Any such ombudsman shall have a duty to maintain the confidentiality of such information.