

Florida Guardianship Quick Reference Guide



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What is Guardianship in Florida?

Guardianship is a legal process used when someone can no longer make safe or sound decisions about their person or property. The court appoints a guardian to act on behalf of a ward (the individual under guardianship).

Who may need a Guardian?

- A minor child without living or fit parents
- An adult with cognitive impairments (e.g., Alzheimer's, developmental disability)
- A person suffering from mental illness or incapacity
- An 18-year-old with special needs aging out of school-based protections



Guardian Types

Type	Description
Guardian of the Person	Manages health, housing, and personal decisions
Guardian of the Property	Manages income, assets, and financial matters
Plenary Guardian	Full authority over person and property
Limited Guardian	Only powers specified by court
Preneed Guardian	Named in advance via written declaration
Standby Guardian	Steps in only if current guardian is unable



Florida Guardianship Quick Reference Guide Continued



The Guardianship Process (Adult or Minor)

1. Petition the Court – File Petition to Determine Incapacity and Petition for Appointment of Guardian
2. Examining Committee Review – A 3-member panel evaluates the person’s capacity
3. Hearing – Judge reviews findings and appoints guardian if necessary
4. Court Oversight – Ongoing reports and reviews are required to protect the ward

Alternatives to Guardianship

- Durable Power of Attorney
- Health Care Surrogate Designation
- Living Trust
- Guardian Advocacy (for developmentally disabled adults)

Responsibilities of a Guardian

- Act in the ward’s best interest
- File initial and annual plans/inventories
- Seek court approval for major decisions
- Keep records and receipts
- Maintain communication with the ward and their family
- Complete Guardian Education Course

Required Documents

- Petition to Determine Incapacity
- Petition for Appointment of Guardian
- Physician evaluations (completed by court appointed panel)
- Criminal background check & credit check
- Oath of Guardian and Designation of Resident Agent



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