

**OFFICE OF PUBLIC AND PROFESSIONAL GUARDIANS
DISCIPLINARY GUIDELINES
October 2016**

STATUTE/Rule	VIOLATION	FIRST OFFENSE	SUBSEQUENT OFFENSE
s.744.20041(1)(g), F.S.	Procuring, attempting to procure, or renewing a registration or license to practice a profession by bribery.	From suspension for two years to revocation.	Revocation
s.744.20041(1)(g), F.S.	Procuring, attempting to procure, or renewing a license to practice a profession by fraudulent misrepresentation.	From suspension for two years to revocation.	Revocation
s.744.20041(1)(g), F.S.	Procuring, attempting to procure, or renewing a License to practice a profession through error of the Office of Public and Professional Guardians.	From a written reprimand or a letter of concern to suspension for 1 year.	Revocation
s.744.20041(1)(e), F.S.	Having a license to practice a regulated profession revoked, suspended, or otherwise acted against, including being denied licensure, by the licensing authority of another state, territory, or country.	Action consistent with discipline for the offense that would have been taken if the violation occurred in Florida w/consideration of the penalty imposed in the other jurisdiction.	Action consistent with discipline for a repeat offense that would have been taken if the violation occurred in Florida w/consideration of the penalty imposed in the other jurisdiction.
s.744.20041(1)(c), F.S.	Being convicted or found guilty, regardless of adjudication, in any jurisdiction of a crime which directly relates to the practice of guardianship or to the ability to practice guardianship. A plea of nolo contendere shall be considered a conviction for purposes of this provision.	For a misdemeanor, from restitution to one year's suspension; for a felony from restitution to 2 years suspension or revocation.	From one year's suspension to revocation.

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s.744.20041(1)(j), F.S.	Making or filing a false report or record, which the applicant or professional guardian knows to be false; intentionally or negligently failing to file a report or record required by law.	From a written reprimand or a letter of concern to one year suspension or revocation.	From a written reprimand or a letter of concern to one year suspension or revocation.
s.744.20041(1)(j), F.S.	Willfully impeding or obstructing a report or a record Filing.	From suspension of registration for 3 months to revocation.	Revocation
s.744.20041(1)(a), F.S.	Making misleading, deceptive, or fraudulent representations in, or related to the practice of, guardianship.	From a written reprimand or a letter of concern to suspension or revocation.	From Suspension to revocation.
s.744.20041(1)(b), F.S.	Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or the failure to conform to, the standards of practice of Professional Guardians as established by the Office of Public and Professional Guardians.	From a written reprimand or a letter of concern to suspension or revocation.	From a written reprimand or a concern to suspension or revocation.
s.744.20041(1)(p), F.S.	Being unable to perform the functions of a professional guardian with reasonable skill by reason of illness; drunkenness; or use of drugs, narcotics, chemicals, or other materials, or as a result of any mental or physical condition. A professional guardian affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume the functions of a professional guardian with reasonable skill.	From referral for impairment evaluation to suspension, until such time as the professional guardian demonstrates that he or she can resume the functions of a professional guardian with reasonable skill.	From referral for impairment evaluation to suspension until such time as the professional guardian demonstrates that he or she can resume the functions of a professional guardian with reasonable skill.
s.744.20041(1)(h), F.S.	Failing to report to the Office of Public and Professional Guardians any person who the professional guardian knows is in violation of this chapter or of the rules of the department.	From a written reprimand or a letter of concern to 6 months suspension.	From 6 months suspension to revocation.

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s.744.20041(1)(l), F.S.	Violating any lawful order of the Office of Public and Professional Guardians or failing to comply with a lawfully issued subpoena of the Office of Public and Professional Guardians.	From a written reprimand or a letter of concern to revocation.	From 2 years suspension to revocation.
s.744.20041(1)(s), F.S.	Violating any provision of chapter 744, or any rules adopted pursuant thereto.	From a written reprimand or a letter of concern to suspension for 2 years or revocation.	From suspension to revocation.
s.744.20041(1)(d), F.S.	Failing to comply with educational course requirements contained in s. 744.2003.	Suspension until such time as the professional guardian can demonstrate that he or she has met the educational course requirements contained in s. 744.2003.	Suspension until such time as the professional guardian can demonstrate that he or she has met the educational course requirements contained in s. 744.2003.
s.744.20041(1)(i), F.S.	Failing to perform any statutory or legal obligation.	From a written reprimand or a letter of concern to up to 2 years suspension.	From a written reprimand or a letter of concern to suspension or revocation.
s.744.20041(1)(f), F.S.	Knowingly filing a false report or complaint with the Office of Public and Professional Guardians against another guardian.	Suspension for 2 years.	Revocation
s.744.20041(1)(m), F.S.	Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.	Suspension for 2 years .	Revocation

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s.744.20041(1)(n), F.S.	Using the guardian relationship to engage or attempt to engage the ward, or an immediate family member or representative of the ward, in verbal, written, electronic, or physical sexual activity.	From a written reprimand or a letter of concern to suspension for up to 3 years or revocation.	From suspension for up to 3 years to revocation.
s.744.20041(1)(o), F.S.	Failing to report to the Office of Public and Professional Guardians in writing within 30 of days being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.	From a letter of concern to a 6 months' suspension.	From a 6 months' suspension to a 2 years' suspension.
s.744.20041(1)(k), F.S.	Using the position of guardian for the purpose of financial gain by a professional guardian or a third party, other than the funds awarded to the professional guardian by the court pursuant to s. 744.108.	From suspension for 2 years to revocation.	Revocation
s.744.20041(1)(q), F.S.	Failing to post and maintain a blanket fiduciary bond pursuant to s. 744.1085.	Suspension until such time as the professional guardian can demonstrate that he or she has met the fiduciary bond requirement contained in s. 744.1085.	Suspension until such time as the professional guardian can demonstrate that he or she has met the fiduciary bond requirement contained in s. 744.1085.
s.744.20041(1)(r), F.S.	Failing to maintain all records pertaining to a guardianship for a reasonable time after the court has closed a guardianship matter.	From a written reprimand or a letter of concern to suspension for 2 years.	From a written reprimand or a letter of concern to suspension for 2 years or revocation.

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