

Comparison of	Chapter 393 Guardian Advocacy	Chapter 744 Guardianship
Person that is the subject of the proceedings	Must have a developmental disability attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely	Anyone that needs assistance with decision-making, including persons with a developmental disability
Petition to Determine Incapacity	None	Petitioner alleges incapacity, including which rights the person is incapable of exercising
Examining Committee	None	3 member committee evaluates individual and reports findings to the court. Paid for their services unless individual found to be indigent in which case the State of Florida pays
Hearing to determine incapacity	None	Alleged incapacitated person must attend unless presence waived. Petitioner(s) must attend
Petition for Appointment of Guardian	Must include specific information about disability as well as the person(s) proposed as the guardian advocate	Petition for the appointment of a guardian must be filed with Petition to Determine Incapacity. Must name proposed guardian(s)
Hearing on petition to appoint guardian	Yes	Yes, but hearing may be combined with hearing on Petition to Determine Incapacity
Removal of Rights	Only those rights specifically delegated to the appointed guardian advocate(s)	Those rights the court determines the incapacitated individual is not capable of exercising. Guardian only authorized to act over delegable rights
Initial Reports Required	Yes	Yes
Annual Reports Required	Yes	Yes
Initial/Annual Background Investigations Required	Yes Fee waived (Broward County)	Yes \$50 annual fee (Broward County)
Educational Course Requirement	Yes	Yes
Court Supervision	Ongoing	Ongoing
Legal Representation	Can be started with or without an attorney. The developmentally disabled individual will have a court appointed attorney to represent them through the proceedings if they are unable to afford a private attorney. If an attorney starts the case, they can withdraw at any time. If the case is started pro se (without an attorney) and additional pleadings need to be filed, an attorney can come in at a later time.	Required for both the petitioner(s) and proposed guardian. The incapacitated individual will have a court appointed attorney to represent them through the proceedings if they are unable to afford a private attorney. The court appointed attorney is generally discharged after the initial reports have been approved. The guardian must have an attorney for the duration of the guardianship.
Filings Fees	Developmentally Disabled - \$401	Determine Incapacity - \$232 Petition to Appoint Guardian - \$401