

■ After meeting these requirements, you must register with the SPGO each year, 30 days prior to your bond's anniversary date. To register, you must complete the necessary forms and forward the registration fee to SPGO. The form may be obtained online or by calling SPGO.

■ Each professional guardian must receive a minimum of 16 hours of continuing education every two calendar years after the year in which the initial 40-hour educational requirement was met. All continuing education courses must be approved by SPGO. You may obtain a list of all approved courses online or by calling SPGO.

### 10. Once I have completed all of the requirements to become a professional guardian, how do I get assigned wards?

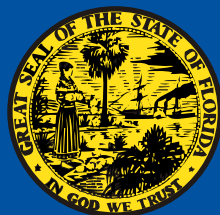
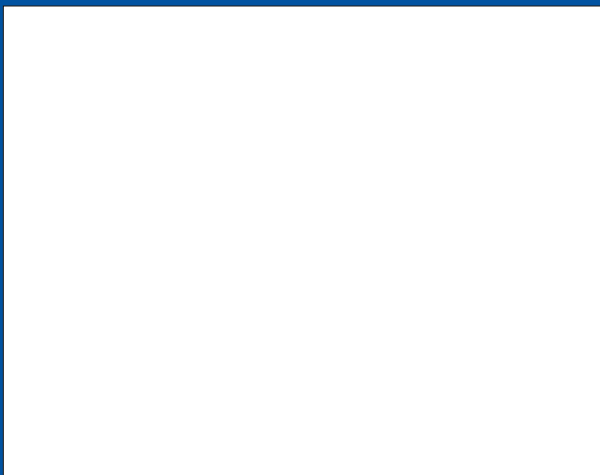
It is a common misconception that once you meet the qualification to serve as a guardian, you will be assigned cases. Cases are not assigned; all guardians must be appointed by court order. Since the majority of the time the match up between a guardian and a proposed ward occurs prior to the case reaching the court, it is recommended that you contact other professional guardians in your area to discuss the best local resources for determining those individuals in the greatest need.



For more information,  
contact the  
Statewide Public Guardianship Office

# Statewide Public Guardianship Office

Statewide Public  
Guardianship Office  
Department of Elder Affairs  
4040 Esplanade Way  
Tallahassee, Florida 32399-7000  
Telephone: (850) 414-2381  
Fax: (850) 414-2384  
or visit us online at:  
<http://elderaffairs.state.fl.us>



*Protecting Florida's  
Most Vulnerable  
Citizens*

# PROGRAM OVERVIEW

One of Florida's priorities is to help the state's most vulnerable citizens. As a result, the Florida Legislature created the Statewide Public Guardianship Office (SPGO), which officially began operation in May 2000.

In May 2003, SPGO became a program within the Department of Elder Affairs and has since been relocated to Tallahassee. The office is charged with the responsibility of ensuring that every Floridian in need of a guardian receives the services of a qualified guardian.



Specifically, SPGO is responsible for:

- ✓ Establishing local offices of public guardian
- ✓ Registering and educating professional guardians

# Top 10 Frequently Asked Questions

## 1. What is guardianship?

Although often confused with the Guardian Ad Litem program, guardianship is the process designed to protect and exercise the legal rights of individuals who lack the capacity to make their own decisions and have not made plans to address this possibility. This may then require a court-appointed guardian.

## 2. What is a guardian?

A guardian may be an individual or corporation that is appointed by court order to manage some or all the affairs of another. Prior to a guardianship being established, it must be determined that a person lacks the capacity required to make decisions concerning his or her personal and/or financial matters and that no less-restrictive alternatives exist.

## 3. How is a person determined to be incapacitated?

Any adult may file with the court a petition to determine another person's incapacity. The court then appoints an examining committee consisting of three members. The court also appoints an attorney to represent the person alleged to be incapacitated. If the court finds the person to be incapable of exercising certain rights, the court must determine whether the person is totally or partially incapacitated.

## 4. Can guardianship be avoided?

Generally speaking, yes. Advance directives may help avoid the possibility of guardianship. Every adult, while capacitated, should consider executing a Living Will, Durable Power of Attorney and a Health Care Surrogate. It is strongly recommended that an attorney be consulted prior to executing any legal documents.

## 5. What is public guardianship?

Public guardianship is for incapacitated persons who lack a willing and qualified family member or friend and who do not have adequate income or assets for the compensation of a private guardian.

## 6. Where can I find my local Office of the Public Guardian?

A current list of local offices of public guardian can be obtained online or by calling the Statewide Public Guardianship Office. SPGO is addressing expansion of public guardianship service into areas of Florida that have a need.

## 7. Is public guardianship necessary?

Yes, with the rapid growth of our state's population and with the growing number of retirees, more and more of our citizens, who may be indigent and have no willing or qualified family member or friend to serve as guardian, will require the need of a public guardian.

## 8. What is a professional guardian?

Any person who has rendered services to three or more wards as their guardian is considered a professional guardian.

## 9. What are the requirements to become a professional guardian?

To become a professional guardian you will need, at a minimum, the following:

- An attorney. Florida law requires all guardians to be represented by counsel.
- To complete a professional guardian course approved by SPGO.
- Passage of Florida's Professional Guardian competency exam.
- Post a blanket fiduciary bond with the clerk of the circuit court in the county of the guardian's primary place of business.