

# Statewide Public Guardianship 2003 Annual Report

## EXECUTIVE SUMMARY

The Statewide Public Guardianship Office (SPGO) may not be the most comprehensive name for our office since SPGO is responsible for so much more than public guardianship. SPGO not only appoints local public guardianship offices but also is responsible for the registration and education of professional guardians. Governor Bush created the Statewide Public Guardianship Office to ensure all citizens in Florida, who have been declared incapacitated and have no willing family or friend, receive the services of a competent guardian. SPGO continues to strive towards achieving that goal.

The year 2003 was a year of changes for SPGO. It is because of all of our changes that “*Joining Forces*” seemed an appropriate theme for our annual report. Beginning in May 2003, with the passage of Senate Bill 2568, SPGO joined forces with the Department of Elder Affairs (DOEA). This move opened a very large door for SPGO. Being part of Secretary Terry White’s team at DOEA has enabled SPGO to utilize a knowledge base like no other. In addition to the wealth of information the Department of Elder Affairs provides SPGO there is a level of support and caring for this most vulnerable population that is beyond exceptional. In addition to our new relationship with DOEA, SPGO has joined forces with many other outstanding organizations. SPGO has joined forces with an additional seven new Offices of Public Guardian thereby expanding public guardianship services throughout Florida to an additional 10 counties.



SPGO has also joined forces with the Guardianship Task Force created by Senate Bill 2568. The Guardianship Task Force is to identify the best practices for incapacity and guardianship and SPGO will be the administrative support for the Task Force during their two year tenure. Furthermore, in an effort to help ensure that guardianship is truly a last resort for those in our state, SPGO has joined forces with the Center for Social Gerontology to explore the possibility of utilizing mediation in guardianship cases. In addition, the Statewide Office has joined forces with

the Elder Law section of the Florida Bar to educate Floridians on the importance of advanced directives. SPGO hopes to join forces with the Department of Children & Families (DCF) in accordance with the recommendations of the Governor’s Work Group on Guardianship & the Developmentally Disabled. Senate Bill 2568 also expanded SPGO’s responsibilities to the

residents of Florida. Most significantly, SPGO, effective in 2005, will also be responsible for ensuring that every person receiving services from a professional guardian is receiving services from a qualified professional guardian. SPGO hopes to be joining forces with a non-profit corporation to assist in fulfilling this statutory responsibility.

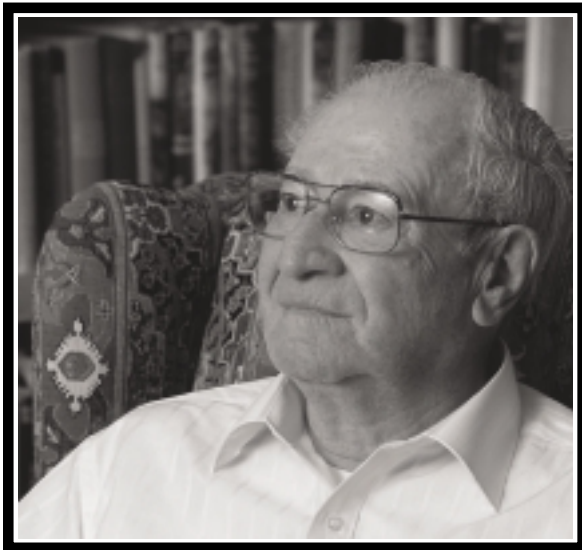
The past year has been one of forming new relationships and SPGO looks forward to cultivating these relationships all in an effort to improve guardianship throughout Florida.

**Michelle Hollister, Esq.**  
**Executive Director**

# JOINING FORCES

## **ADVANCED DIRECTIVES**

It may seem unusual that the first topic to be addressed in the annual report of SPGO is advanced directives, but we think it stresses not only how important it is for every person, no matter their age, to have valid advanced directives, but by placing this topic first we feel it emphasizes our belief that guardianship should truly be a last resort. It is a goal of SPGO to provide every resident of the state of Florida with the knowledge necessary for making the appropriate plans in the



event of incapacity. SPGO looks forward to working with the Elder Law Section of the Florida Bar in this endeavor, as guardianship, for the most part, may be preventable. This is not to say that just because you have an advanced directive you will never need a guardianship, in some instances a guardianship may be the best alternative for an incapacitated individual. However, generally speaking, advanced directives may prevent guardianship intervention. SPGO strongly encourages every Floridian to seek out additional information on advanced directives. Some good places to start include, [www.myflorida.com](http://www.myflorida.com), “Five Wishes” from Aging with Dignity\*, and of course an attorney that specializes in these issues. As mentioned above,

there may be times, regardless of preplanning, that a guardianship will be the best alternative, in those cases, the Statewide Office hopes to fulfill its statutory obligations and ensure that every person receive care from a qualified guardian.

*\*Aging with Dignity can be contacted at 1-888-5-wishes (1-888-594-7437) or visit them online at [www.agingwithdignity.org](http://www.agingwithdignity.org).*

## **LOCAL OFFICES OF PUBLIC GUARDIAN**

Since last year’s annual report, SPGO is working with seven new Offices of Public Guardian. The seven new offices provide guardianship services to an additional 10 counties throughout Florida. The new programs are as follows:

- \* The Fifth Circuit Public Guardian Corporation, serving Citrus, Hernando, Lake, Marion and Sumter Counties
- \* Karen Patterson, serving Pasco County located in the 6<sup>th</sup> Circuit
- \* Seniors First, serving Orange County located in the 9<sup>th</sup> Circuit
- \* Guardianship Care Group\* serving Miami-Dade County located in the 11<sup>th</sup> Circuit
- \* Aging Solutions – 18<sup>th</sup> Circuit serving Brevard and Seminole Counties
- \* Brevard Guardianship Services, serving Brevard County located in the 18<sup>th</sup> Circuit and
- \* Charlotte County Public Guardian, serving Charlotte County located in the 20<sup>th</sup> Circuit

Our complete list of Offices of Public Guardian, as of January 1, 2004, is as follows:

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## *Office of the Public Guardian, Inc.*

Serves Franklin, Gadsden, Jefferson, Leon, Liberty and Wakulla Counties located in the 2<sup>nd</sup> Circuit, Calhoun County located in the 14<sup>th</sup> Circuit, and Madison County located in the 3<sup>rd</sup> Circuit  
**Telephone: 850-487-4609**

## *Council on Aging of Volusia County*

Serves Volusia County located in the 7<sup>th</sup> Circuit  
**Telephone: 386-253-4700**

## *Osceola County Council on Aging*

Serves Osceola County located in the 9<sup>th</sup> Circuit  
**Telephone: 407-846-8532**

## *Guardianship Program of Dade County*

Serves Miami-Dade County located in the 11<sup>th</sup> Circuit  
**Telephone: 305-592-7642**

## *Aging Solutions – 13<sup>th</sup> Circuit*

Serves Hillsborough County located in the 13<sup>th</sup> Circuit  
**Telephone: 813-963-7577**

## *Palm Beach Legal Aid*

Serves Palm Beach County located in the 15<sup>th</sup> Circuit  
**Telephone: 561-655-8944**

## *Barry University School of Social Work*

Serves Broward County located in the 17<sup>th</sup> Circuit  
**Telephone: 954-831-6550**

## *Lee County Public Guardian\**

Serves Lee County located in the 20<sup>th</sup> Circuit  
**Telephone: 239-549-2505**

## *Collier County Public Guardian\**

Serves Collier County located in the 20<sup>th</sup> Circuit  
**Telephone: 239-417-1040**

## *Fifth Circuit Public Guardian Corporation*

Serves Citrus, Hernando, Lake, Marion and Sumter Counties  
**Telephone: 352-629-8800**

## *Karen Patterson*

Serves Pasco County located in the 6<sup>th</sup> Circuit  
**Telephone: 352-567-6254**

## *Seniors First*

Serves Orange County located in the 9<sup>th</sup> Circuit  
**Telephone: 407-292-0177**

## *Guardianship Care Group\**

Serves Miami-Dade County located in the 11<sup>th</sup> Circuit  
**Telephone: 305-448-6111 x109**

## *Aging Solutions – 18<sup>th</sup> Circuit*

Serves Brevard and Seminole Counties  
**Telephone: 321-728-0784**

## *Brevard Guardianship Services*

Serves Brevard County located in the 18<sup>th</sup> Circuit  
**Telephone: 321-752-0650**

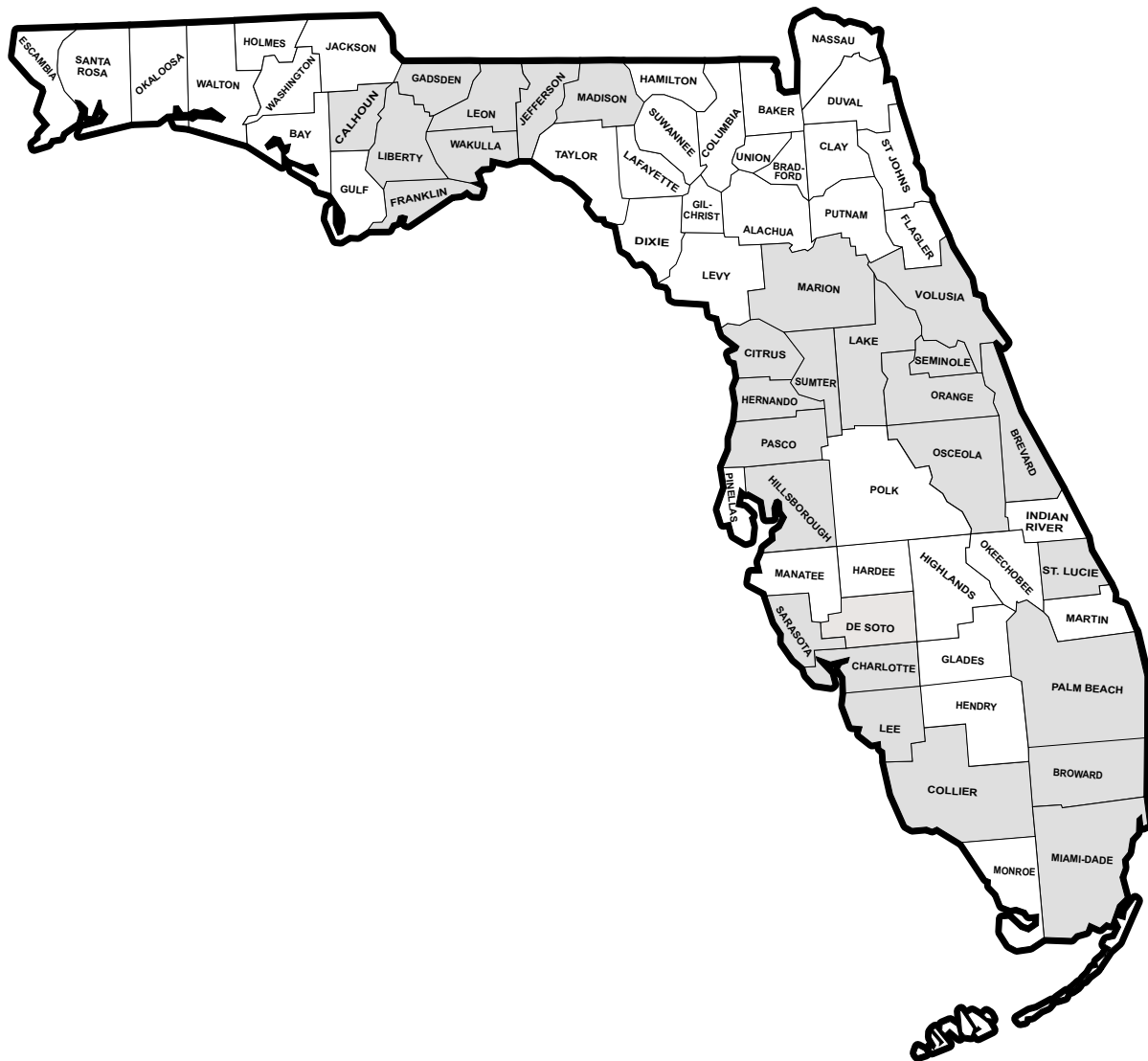
## *Charlotte County Public Guardian\**

Charlotte County located in the 20<sup>th</sup> Circuit  
**Telephone: 941-627-2200**

\* Pending reappointment and/or contract.

As we are always striving to appoint public guardians where there is a need, please visit <http://elderaffairs.state.fl.us/doea/english/public.html> for the most current listing of the local Offices of Public Guardian.

## Florida Counties Having Local Offices of the Public Guardian\*



\*Local Offices of the Public Guardian in Grey

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## *SURVEYS OF NEED*

**A**lthough our presence can be felt state wide, our coverage is clearly not enough. Currently, Florida is the nation's fourth most populous state behind California, Texas and New York. The Census Bureau projects that Florida will become the nation's third largest state between 2015 and 2020.<sup>1</sup> The age group that is projected to see the largest increase in size is the age group of individuals age 85 or older. By the year 2010 there will be an estimated 44.9% increase in the 85 and older age group, a 19.2% increase to the 65-84 age group and a 44.15 increase to the 45-64 age group.<sup>2</sup>

<sup>1</sup> Florida Legislature Office of Economic and Demographic Research, March 2003.

<sup>2</sup> Ibid.

**A**s the map on the previous page indicates, there are many areas in the State of Florida without an Office of Public Guardian (OPG). In an effort to reach those parts of Florida requiring the services of an OPG, SPGO plans to conduct a series of surveys. The first survey, completed in the fall of 2003, focused on the need from the courts' perspective. The first survey was sent to each Court Administrator's



office inquiring as to whether a need for public guardianship existed in their judicial circuit and to indicate what that need may be. The results of the first survey showed a minimum of 3,000 residents within 18 counties needing an OPG beyond those currently served.

**I**t is important to note that this first survey focused on the need from the courts perspective, not those "in the field." At the time this report was prepared, SPGO's second survey was in the beginning stages. This second survey will focus on the perspective of those in the field and will be disseminated to those individuals and/or organizations that work within the local communities. SPGO is eager to compile and review all survey data in an effort to establish additional OPGs to serve the needs of this vulnerable population.

## *A SAMPLING OF OPG SUCCESS*

**T**he excerpts below are real stories of fellow Floridians that have received care from local OPGs. As you read the accounts, please keep in mind, these stories may have had a very different outcome had it not been for the care and compassion of the Offices of Public Guardian.

### *Fifth Circuit Office of the Public Guardian*

**O**ne woman had been placed at a local assisted living facility by her family. Her only assets were her monthly social security check and a small amount of money in the bank. She was using most of her social security check to pay the rent at the assisted living facility and using her savings to pay for her heart and stroke medications. Her family stole the remaining funds from her savings and the assisted living facility started using the little bit of money remaining from her social security check to pay rent arrearages rather than buy her heart and stroke medications. The public guardian was able to

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work with the pharmaceutical firms to obtain the expensive medications for this woman and prevent the assisted living facility for further depleting her funds.

**Catherine Ackerman, Esq., Ocala**

## *Legal Aid of Palm Beach*

**J**udith is a 60-year-old woman with a history of unstable situations that placed her at risk. Judith suffered a head trauma at the age of eight that left her childlike with low intelligence and some cognitive impairments. She outlived her parents and for many years attempted to care for herself. Judith was found by Adult Protective Services living in a condemned house purchased by Judith's father some twelve years ago. She had no income and was living hand to mouth. The home was deplorable, unlivable, and filled with cat feces. Adult Protective Services placed Judith in an assisted living facility. After guardianship appointment, this program retained her Social Security and SSI with Medicaid benefits and sold her home. With her new assets and income the program was able to place Judith in her own small apartment. Judith is supervised by a social worker with the program and a program nurse. The program ensures that Judith sees a physician at the Health Department on a regular basis. She works with a monthly budget for her needs and it has been remarkable to see how Judith has grown in the last year. Previously, suspicious and defensive and now Judith has a different outlook. She maintains good relationships with staff and visits the office weekly as well as relies on support and enjoys outings with staff and a very special volunteer.

The program has been instrumental in creating a safe and stable support system for Judith. Judith will be starting a training program at Goodwill Industries in the near future that she is looking forward to.

**Rena Taylor, Esq., West Palm Beach**

## *Office of the Public Guardian, Inc. 2<sup>nd</sup> Circuit*

**M**ary S. is a middle-aged woman with a diagnosis of alcohol-induced dementia that caused severe memory impairment. At the time of the referral, she could barely remember her provider's names or what she had for breakfast. She lived in an assisted living facility and her personal friends were only minimally involved in her care. She rarely left the home and said she felt intimidated by residential staff. She had not received medical attention in several years.

In the few months since OPG, Inc.'s appointment as her legal guardian, improvements have been made to Mary S.'s life. OPG, Inc. arranged to have Mary S. receive a state of the art assessment at the Memory Disorder Clinic and the results are hoped to lead to a treatment that can improve her condition. OPG, Inc. relocated Mary S. to another assisted living facility where there are activities she can participate in and OPG, Inc. linked her with a local church for activities outside the facility. In addition, Mary S. has received medical and dental treatment and OPG, Inc., applied for medically needy benefits, as a result her monthly income has increased.

**Karen Campbell, Esq., Tallahassee**

## *Seniors First*

**W**e became public guardian of Orange County in April of this year. That is our biggest thing now! I have worked with the Probate Division on several cases needing public help. Word of mouth has spread. We have started a waiting list as of this month. I currently have seven on the waiting list and 70 wards are in the program.

**Jenny Shuff-Dowd, Orlando**

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## *Council on Aging of Volusia County*

In 2003 we received a successor guardianship through the Department of Children and Families for two developmentally disabled brothers. The two men have been under a plenary guardianship for several years despite residing in their own home. The Office of Public Guardian of Volusia has petitioned the court to restore the rights of the two wards to seek employment and choose their own social contacts. Despite the limitations of the wards to manage their finances, they certainly have the ability to maintain some of their own choices. The petitions for restoration were granted this fall.

**Dr. Betty Davis, Daytona Beach**

## *Aging Solutions – 13<sup>th</sup> Circuit*

We have partnered with our local court's Elder Justice Center to sponsor a gift drive to enable our wards to share in the holiday experience. We titled the gift drive the "elves for Elders." We were covered in the Tampa Tribune and three area news channels as being "Guardian Angels." Several schools adopted our agency and the event of children remembering elders during the holidays was heartwarming to everyone lucky enough to share in the experience. Aside from schools, the court spread the word and we had attorneys, judges, and court staff purchasing gifts for the wards. It was truly a success.

**Tamara Cribben, Tampa**

## *Guardianship Program of Dade County (GPDC)*

Marty S. is a 60 year old, divorced, white male, who was homeless. GPDC was appointed as the legal guardian in April 1997. We were not given a lot of information on the ward at the time. We had no family history and no contacts. Earlier this year, a Veteran's Administration case manager found some old addresses and gave them to the GPDC assigned case manager. She researched the information,

sent out letters and was able to locate the ward's sister. The ward's sister notified the ward's daughters and he was reunited with his family again. The family reported that they had not seen or heard from him since Hurricane Andrew in 1992 and thought that he had expired. The ward's sister has since expired, but had the opportunity to reunite with the ward before her death. The rest of his family continues to be involved in his life.

**Sonia E. Frasier, Miami**

## *Brevard Guardianship Services*

Brevard Guardianship Services Inc. has had a very busy year with over twice the referrals as in the past. We have forged partnerships with many assisted living facilities (ALFs) and home health agencies to assist with our clients. Partnerships have extended to car dealers who have assisted with appraisals of junk autos for no fees.

We have flown two clients home to be with their families. One of our case workers flew with a client to Colorado and took another client to Utah. We have driven clients to Alabama and to Georgia to reunite families.

We were able to discharge the guardianship on two clients after a few years of managed care. They have continued to do very well.

We had some situations that could be handled during the emergency guardianship and we were able to drop the guardianship. In these situations, we found that trusts had been set up and just needed to be activated. We worked to find the Successor Trustee and put them in place to continue the care of the client.

**Barbara Whitley, Melbourne**

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## *Lee County Office of the Public Guardian*

**T**he Office of Public Guardian for Lee County serves as guardian, on average, to 150 people each month. This office, with the help of treatment providers and the assistance of an individual's family, has been able to take a person that was incarcerated and involuntarily hospitalized and have that person progress to the point where they are now living independently and have had their rights restored.

**Robert Lipshutz, Esq., Cape Coral**

public guardians to ensure the achievement of our strategic goal and objectives. Each OPG was consulted with the development of these measures and their feedback was incorporated. The performance measures that follow will be implemented as a pilot project beginning in 2004. At the end of next year, SPGO, in consultation with the local public guardians, will evaluate the effectiveness of each measure.



## *PERFORMANCE MEASURES*

**A**lthough stories like the ones in the previous section illustrate specific examples of public guardians making a difference, it is still important for SPGO to monitor the overall performance of each local program. Performance measures are one method SPGO can utilize to monitor local offices. Performance measures are a means of evaluating an organization and can be powerful tools that can assist in achieving goals and meeting objectives. SPGO has developed statewide performance measures for

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## Strategic Goals, Objectives and Performance Measures

**Strategic Goal:** To provide every person quality care and efficient service that will ensure their well being while under the care of the Office of the Public Guardian (OPG).

**Objective:** To timely process and prioritize all referrals based on the immediate needs of the Alleged Incapacitated Person (AIP)

	2004	2005	2006	2007	Strategic Target
Number of total referrals received					
Number of referrals that met the criteria for OPG					
Number of eligible referrals needing to be placed on waiting list					
Percent of referrals in which activity was initiated by OPG within five (5) days					

**Objective:** To provide the ward the opportunity to have a qualified family member or friend serve as their guardian

	2004	2005	2006	2007	Strategic Target
Number of cases appointed to OPG during the year					
Number of wards with a qualified family or friend to serve as the guardian					
Number of petitions filed to appoint a family member or friend to serve as the guardian					
Number of orders granting appointment of family member or friend to serve as successor guardian					

**Objective:** To conduct evaluations to determine if the wards are able to be restored to capacity

	2004	2005	2006	2007	Strategic Target
Number of wards currently being served by the OPG					
Number of wards evaluated for restoration of rights					
Number of Petitions for Restoration filed					
Number of Petitions for Restoration approved by the court					

**Objective:** To strive to increase the frequency of visits to the ward beyond what is mandated in FSS 744.708(6)

	2004	2005	2006	2007	Strategic Target
Number of wards currently being served by the OPG					
Number of wards visited four (4) times per year					
Number of wards visited more than four (4) times per year					
Number of wards visited a minimum of one (1) time per month					
Number of wards visited a minimum of one (1) time per week					

**Objective:** To maintain current files that will provide immediate access to the wards medical information in cases of emergency

	2004	2005	2006	2007	Strategic Target
Number of wards currently being served by the OPG					
Number of wards requiring emergency services/treatment					
Number of occasions OPG staff did not have emergency information available					

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## FUNDING

Currently most public guardians' budgets are a mixture of funding sources. Those sources include but are not limited to state funds, county funds, United Way donations, and filing fees. Those programs that receive filing fees have some challenges ahead. As the state of Florida is preparing to implement Revision 7, Article V changes to the Florida Constitution, programs across the state are encountering funding issues. Revision 7, passed by Florida voters, mandates that the state pay for the majority of the costs of the court system. House Bill 113A from the 2003A session addressed the numerous details involved with this change. One of the changes included in the bill was the removal of the counties'



authority to have a local ordinance allowing for a portion of filing fees to be used for the benefit of public guardianship. Due to this change in the law, public guardians across Florida stand to lose over a million dollars from filing fee revenue alone and there are a possible 1,200 vulnerable residents that maybe impacted. Every effort is being made to ensure that those indigent and incapacitated

persons without family or friend that are being served by public guardians continued to be served by public guardians.

SPGO had previously submitted an application to begin Medicaid Administrative Claiming. This process would allow public guardians to receive compensation for the time they spend assisting wards on administrative tasks that qualify for reimbursement from Medicaid. This application is pending approval in Baltimore, Maryland. In addition, SPGO is not only investigating various Medicaid funding mechanisms used in other states but also is exploring new funding possibilities.

## *PUBLIC GUARDIANSHIP CHANGES ACROSS THE UNITED STATES*

In SPGO's 2001 annual report 14 states were listed as states not having any type of public guardianship services. Since that report, three states (Oklahoma, Rhode Island, and Utah) have adopted some form of public guardianship legislation. In 2003, three states, including Florida, enacted changes to their existing public guardianship laws. Nevada adopted a provision that allows for the Board of County Commissioner to appoint a public guardian for a term of four years. The public guardian will serve at the pleasure of the board and may appoint deputies to assist in performing the duties of office. New Mexico transferred the Office of Guardianship Services from the Attorney General's Office to the Developmental Disabilities Planning Council. In New Mexico, it is thought that this change will provide a stronger focus on social services. Although the majority of most states are examining guardianship needs in their own communities, the American Bar

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Association points out in Incapacitated and Alone: Health Care Decision-Making for the Unbefriended Elderly<sup>3</sup> “The number of unbefriended elderly is unknown, but some studies estimate that it as at least three to four percent of the nursing home population, plus additional patients from the community and the streets.” The report goes on to state “. . . existing data sources dance around the central question of the size of the unbefriended population. All that can be gleaned with certainty is that the numbers are significant.” Florida will continue working hard to ensure that the significant number of persons in our state have their needs met.

<sup>3</sup>Incapacitated and Alone: Health Care Decision-Making for the Unbefriended Elderly, Naomi Karp and Erica Wood, American Bar Association Commission on Law & Aging, July 2003.

## ***GIMS (GUARDIANSHIP INFORMATION MANAGEMENT SYSTEM)***

In December of this year, every Office of Public Guardian (OPG) received, at no cost to them, the Guardianship Information Management System (GIMS) software and training. The OPG’s enthusiastically adopted the GIMS software in their offices as they recognized its outstanding ability to manage guardianship cases. Some of the features of GIMS include, the ability to keep track of medications and doctor’s appointments, maintain a check register, and automatically generate court-required reports. All of this is in addition to the ability for OPG’s to have the software on their laptops to access and utilize when they are in the field. GIMS is designed to allow the OPG to “sync” their laptops with the central database to ensure that all information is always current. The real plus for SPGO is that each OPG will be linked to the Department of Elder Affairs, providing SPGO with the capability to query the OPG offices around the state at any time to get the most current statistics. SPGO has had inquires from professional guardians in Florida



and around the country requesting to purchase GIMS for their own practice, this is an issue SPGO is addressing.

## ***RESEARCH PROJECT/TECHNICAL ASSISTANCE***

In October of 2003 SPGO applied for site technical assistance from the Center for Social Gerontology (TCSG). TCSG, since its inception in 1972, has been a non-profit research, training and social policy organization dedicated to promoting the individual autonomy of older persons and advancing their well being in society. TCSG has pursued this goal through a wide variety of projects, including serving since 1985 as an Administration on Aging-funded National Support Center in Law & Aging.<sup>4</sup>

The application package for technical assistance (TA) provided the following information: The broad purpose of the TA visits is to assist states in strengthening and enhancing their legal assistance and elder rights advocacy for vulnerable older persons. These visits are not trainings. Rather, they are to help states take on significant issues and needs and achieve meaningful and

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positive results. They require participation by key persons in the state — those who are knowledgeable about the issue and in a position to help effect change, who are willing to work with TCSG during the on-site visit, and who will make a commitment to continue their work as a group to plan, resolve, and/or develop what is necessary to accomplish the desired goals. Over the past decade, TCSG has worked with nearly all 50 states, to examine and address state-specific concerns and achieve changes the states feel are needed. TCSG brings both extensive knowledge of legal/elder rights issues and highly honed facilitative skills to these on-site visits in order to achieve consensus on agendas for action and change.

In an effort to ensure that guardianship is truly a last resort for the residents of Florida, the Statewide Public Guardianship Office's application requested assistance in addressing mediation in the guardianship context. SPGO chose the following program from the list provided by TCSG:

*Guardianship & Caregiver Mediation: An Alternative Approach* — Our state's aging advocates have long been working on guardianship reform, and some are now interested in exploring mediation as an alternative approach that might better meet the needs and address the underlying problems of older persons subject to guardianship proceedings. Further there is interest in using mediation to help support family caregivers of frail older persons. As guardianship/caregiver mediation is still new, we need guidance in: exploring the pros and cons; how to set up and operate mediation services; determining appropriate and inappropriate cases; getting mediators trained in this complex, sensitive area; and generating cases.

Notification of acceptance was received on Wednesday, November 12, 2003. A conference call was held with TCSG on November 21, 2003, whereupon TCSG provided SPGO with an outline of the project. During the next year SPGO and TCSG hope to have a day and a half meeting with guardianship experts from across the State as well as across disciplines to explore the issue of mediation in guardianship cases.

<sup>4</sup><http://www.tcs.org/guard.htm> (The Center for Social Gerontology).

## ***PROFESSIONAL GUARDIAN REGISTRATION AND EDUCATION***

In addition to establishing Offices of Public Guardian, SPGO is responsible for the registering of professional guardians as well as their education. The year 2003 was the first year professional guardians were required to register with SPGO. In order to accommodate this new responsibility a database was created in Microsoft Access. This database allows SPGO to not only keep track of registered guardians but also keep a record of each professional guardian attendance at approved educational courses. This database has served as a great tool to monitor continuing education credits for every professional guardian. Currently there are 159 professional guardians with completed registrations on file and approximately another 60 in progress.

During the 2003 legislative session Senate Bill 2568 passed resulting in significant changes to professional guardianship registration and education in the upcoming years. The Department of Elder Affairs was given authority to contract with the Florida Guardianship Foundation or other not-for-profit entity to register professional guardians. In addition, the executive director of SPGO, in consultation with the Florida Guardianship Foundation, must develop a guardianship training

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program curriculum that may be offered to all guardians whether public or private. Furthermore, after July 1, 2005, each professional guardian shall be required to demonstrate competency to act as a professional guardian by taking an examination approved by the Department of Elder Affairs. SPGO is in the process of developing a work plan for the implementation of all of these changes.

## ***GUARDIANSHIP HANDBOOK***

In an effort to provide a leading resource guide for all guardians, family and professional, SPGO is developing a handbook for guardians. This handbook will include not only the steps necessary to becoming a professional guardian but also suggested Standards of Practice and a Model Code of Ethics for all guardians. The suggested Standards of Practice and Model Code of Ethics will be those standards and ethics adopted by the National Guardianship Association. The handbook will also include a frequently asked questions section and a listing of resources available in Florida relating to guardianship practice and procedure. SPGO will make the handbook available online as well as provide it to those entities providing the professional guardian course.

## ***GUARDIANSHIP TASK FORCE***

Senate Bill 2568 created within DOEA a Guardianship Task Force for the purpose of examining guardianship and incapacity and making recommendations to the Governor and the Legislature for the improvement of processes and procedures related to guardianship and incapacity. The bill provided that that task force be comprised of 10 members which should include:

- A judge with experience in guardianship proceedings who shall be appointed by the Florida Conference of Circuit Judges;

- A representative of the Clerks of Court;
- A professor of law with experience in elder issues appointed by the Secretary of Elder Affairs;
- A representative of the Florida State Guardianship Association;
- A representative of the Florida Guardianship Foundation;
- A representative of the Real Property and Probate Section of the Florida Bar;
- A representative of the Elder Law Section of the Florida Bar;
- A professional as provided in Florida Statutes 744.331(3) with experience performing examinations determining incapacity;
- A representative of the Florida Banker's Association; and
- A citizen or consumer appointed by the Executive Director of the Florida office of the American Association of Retired Persons (AARP).

Those persons, from the above organizations, that have been asked to serve are as follows:

- Chairman Jed Pittman, Clerk of Courts of Pasco County
- Vice Chairman Judge Mel Grossman, Administrative Judge of the Probate Division for the 17<sup>th</sup> Judicial Circuit
- Professor Gordon T. Butler
- Professional Guardian Kate Mingle
- Professor Rebecca Morgan
- David Brennan, Esq.
- Enrique Zamora, Esq.
- Dr. Karl Jones
- Randy Pople
- Judy Thames

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SPGO provides all administrative support to this group. At the time of compiling this report, the Task Force has completed three meetings whereby they have solicited public testimony and they are in the process of completing their preliminary report due to Secretary White on January 1, 2004.

## *LOOKING AHEAD*

**S**PGO looks forward to the upcoming year and meeting the challenges that are ahead. Some of the Statewide Office's tasks include: to complete our studies on the need for public guardians, to expand, within available resources, public guardians to those areas in Florida that have a need, to implement a standardized curriculum and examination for professional guardians, and to assist the Guardianship Task Force in compiling its final report and recommendations. Next year will be the first full year SPGO will have joined with Department of Elder Affairs and many other outstanding persons and organizations. SPGO looks forward to 2004 and cultivating these relationships and forming new ones.

## Contact Information

**This document is produced by the  
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