Committee on Children, Families, and Elder Affairs

CS/CS/CS/SB 232 — Guardianship

by Fiscal Policy Committee; Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senators Detert, Joyner, Margolis, Gardiner, Abruzzo, Altman, Bean, Benacquisto, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Diaz de la Portilla, Evers, Flores, Gaetz, Galvano, Garcia, Gibson, Grimsley, Hays, Hukill, Hutson, Latvala, Lee, Legg, Montford, Negron, Richter, Ring, Sachs, Simmons, Simpson, Smith, Sobel, Soto, Stargel, and Thompson

The bill expands and renames the Statewide Public Guardianship Office within the Department of Elder Affairs (DOEA) as the Office of Public and Professional Guardians. The office is given the additional responsibility of writing the rules for the administration of the regulation of professional guardians. Professional guardians have not previously been closely regulated by the state. The newly titled office remains housed within the Department of Elder Affairs (DOEA) and the executive director, an appointee of the Secretary of the DOEA, will oversee the newly formed office.

The bill establishes additional duties and responsibilities of the executive director and the office, including disciplinary and enforcement powers. The bill requires the annual registration of professional guardians, including $100 registration and $25 credit investigation fees.

The Office of Public and Professional Guardians is directed to adopt rules to establish standards of practice for public and professional guardians, receive and investigate complaints, establish procedures for disciplinary oversight, conduct hearings, specify penalties, and take administrative action pursuant to chapter 120, F.S.

The bill provides for Fiscal Year 2016-2017, 6 full-time positions and an appropriation of $698,153 in recurring funds and $123,517 in nonrecurring funds from the General Revenue Fund to DOEA for the purpose of carrying out the oversight and monitoring responsibilities of the office.

These provisions became law upon approval by the Governor on March 10, 2016.
Vote: Senate 40-0; House 115-2