

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Green offered the following:

Amendment (with directory and title amendments)

Between line(s) 68 and 69, insert:

Section 3. Section 744.7021, Florida Statutes, is amended to read:

744.7021 Statewide Public Guardianship Office.--There is hereby created the Statewide Public Guardianship Office within the Department of Elderly Affairs. ~~The Department of Elderly Affairs shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The Statewide Public Guardianship Office may request the assistance of the Inspector General of the Department of Elderly Affairs in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the Statewide Public Guardianship~~

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28 ~~Office. The Statewide Public Guardianship Office shall not be~~
29 ~~subject to control, supervision, or direction by the Department~~
30 ~~of Elderly Affairs in the performance of its duties.~~

31 (1) The Secretary of Elderly Affairs shall appoint the
32 executive director, who shall be the head of the Statewide
33 Public Guardianship Office ~~is the executive director, who shall~~
34 ~~be appointed by the Governor.~~ The executive director must be a
35 member of The Florida Bar, knowledgeable of licensed attorney
36 with a background in guardianship law and knowledge of the
37 social services available to meet the needs of incapacitated
38 persons, shall serve on a full-time basis, and shall personally,
39 or through representatives of the office, carry out the purposes
40 and functions of the Statewide Public Guardianship Office in
41 accordance with state and federal law. The executive director
42 shall serve at the pleasure of and report to the Secretary
43 Governor.

44 (2) The executive director ~~Statewide Public Guardianship~~
45 ~~Office~~ shall, within available resources, have oversight
46 responsibilities for all public guardians.

47 (a) The executive director ~~office~~ shall review the current
48 public guardian programs in Florida and other states.

49 (b) The executive director ~~office~~, in consultation with
50 local guardianship offices, shall develop statewide performance
51 measures and standards.

52 (c) The executive director ~~office~~ shall review the various
53 methods of funding guardianship programs, the kinds of services
54 being provided by such programs, and the demographics of the
55 wards. In addition, the executive director ~~office~~ shall review
56 and make recommendations regarding the feasibility of recovering

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57 a portion or all of the costs of providing public guardianship
58 services from the assets or income of the wards.

59 ~~(d) No later than October 1, 2000, the office shall submit~~
60 ~~to the Governor, the President of the Senate, the Speaker of the~~
61 ~~House of Representatives, and the Chief Justice of the Supreme~~
62 ~~Court an interim report describing the progress of the office in~~
63 ~~meeting the goals as described in this section. No later than~~
64 ~~October 1, 2001, the office shall submit to the Governor, the~~
65 ~~President of the Senate, the Speaker of the House of~~
66 ~~Representatives, and the Chief Justice of the Supreme Court a~~
67 ~~proposed public guardianship plan including alternatives for~~
68 ~~meeting the state's guardianship needs. This plan may include~~
69 ~~recommendations for less than the entire state, may include a~~
70 ~~phase in system, and shall include estimates of the cost of each~~
71 ~~of the alternatives. By January 1, 2004, and by January 1 of~~
72 ~~each year thereafter, the executive director ~~office~~ shall~~
73 ~~provide a status report and provide further recommendations to~~
74 ~~the Secretary that address the need for public guardianship~~
75 ~~services and related issues.~~

76 (e) The executive director ~~office~~ may provide assistance
77 to local governments or entities in pursuing grant
78 opportunities. The executive director ~~office~~ shall review and
79 make recommendations in the annual report on the availability
80 and efficacy of seeking Medicaid matching funds. The executive
81 director ~~office~~ shall diligently seek ways to use existing
82 programs and services to meet the needs of public wards.

83 (f) The executive director, in consultation with the
84 Florida Guardianship Foundation ~~office~~ shall develop a
85 guardianship training program curriculum that. ~~The training~~

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86 ~~program may be offered to all guardians whether public or~~
87 ~~private. The office shall establish a curriculum committee to~~
88 ~~develop the training program specified in this part. The~~
89 ~~curriculum committee shall include, but not be limited to,~~
90 ~~probate judges. A fee may be charged to private guardians in~~
91 ~~order to defray the cost of providing the training. In addition,~~
92 ~~a fee may be charged to any training provider for up to the~~
93 ~~actual cost of the review and approval of their curriculum. Any~~
94 ~~fees collected pursuant to this paragraph shall be deposited in~~
95 ~~the Department of Elderly Affairs Administrative Trust Fund to~~
96 ~~be used for the guardianship training program.~~

97 (3) The executive director ~~office~~ may conduct or contract
98 for demonstration projects authorized by the Department of
99 Elderly Affairs, within funds appropriated or through gifts,
100 grants, or contributions for such purposes, to determine the
101 feasibility or desirability of new concepts of organization,
102 administration, financing, or service delivery designed to
103 preserve the civil and constitutional rights of persons of
104 marginal or diminished capacity. Any gifts, grants, or
105 contributions for such purposes shall be deposited in the
106 Department of Elderly Affairs Administrative Trust Fund.

107 (4) The Department of Elderly Affairs ~~office~~ has authority
108 to adopt rules pursuant to ss. 120.536(1) and 120.54 to carry
109 out the provisions of this section.

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112 ===== T I T L E A M E N D M E N T =====
113 Remove line 20, and insert:

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114 Policy Analysis and Government Accountability; amending s.
115 744.7021, F.S.; providing that the executive director of the
116 Statewide Public Guardianship Office shall be appointed by the
117 Secretary of Elderly Affairs, rather than by the Governor;
118 transferring certain responsibilities from the Statewide Public
119 Guardianship Office to the Department of Elderly Affairs;
120 providing
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