



1 A bill to be entitled

2 An act relating to adult protective services; amending s.
3 415.1045, F.S.; requiring the Department of Children and
4 Family Services to enter into certain working agreements
5 with local law enforcement agencies; requiring a review of
6 the efficacy of such agreements by the Office of Program
7 Policy Analysis and Government Accountability; requiring a
8 report by the department regarding its compliance with
9 certain recommendations made by the Office of Program
10 Policy Analysis and Government Accountability; amending s.
11 744.7021, F.S.; providing that the executive director of
12 the Statewide Public Guardianship Office shall be
13 appointed by the Secretary of Elderly Affairs, rather than
14 by the Governor; transferring certain responsibilities
15 from the Statewide Public Guardianship Office to the
16 Department of Elderly Affairs; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (6) of section 415.1045, Florida
22 Statutes, is amended to read:

23 415.1045 Photographs, videotapes, and medical
24 examinations; abrogation of privileged communications;
25 confidential records and documents.--

26 (6) WORKING AGREEMENTS.--By March 1, 2004, the department
27 shall enter into working agreements with the jurisdictionally
28 responsible county sheriffs' office or local police department



29 | that will be the lead agency when conducting any criminal
30 | investigation arising from an allegation of abuse, neglect, or
31 | exploitation of a vulnerable adult. The working agreement must
32 | specify how the requirements of this chapter will be met. The
33 | Office of Program Policy Analysis and Government Accountability
34 | shall conduct a review of the efficacy of the agreements by
35 | March 1, 2005. For the purposes of such agreement, the
36 | jurisdictionally responsible law enforcement entity is
37 | authorized to share Florida criminal history and local criminal
38 | history information that is not otherwise exempt from s.
39 | 119.07(1) with the district personnel. A law enforcement entity
40 | entering into such agreement must comply with s. 943.0525.
41 | Criminal justice information provided by such law enforcement
42 | entity shall be used only for the purposes specified in the
43 | agreement and shall be provided at no charge. Notwithstanding
44 | any other provision of law, the Department of Law Enforcement
45 | shall provide to the department electronic access to Florida
46 | criminal justice information which is lawfully available and not
47 | exempt from s. 119.07(1), only for the purpose of protective
48 | investigations and emergency placement. As a condition of access
49 | to such information, the department shall be required to execute
50 | an appropriate user agreement addressing the access, use,
51 | dissemination, and destruction of such information and to comply
52 | with all applicable laws and rules of the Department of Law
53 | Enforcement.

54 | Section 2. Given the serious and growing problem of elder
55 | abuse, by December 1, 2003, the Department of Children and
56 | Family Services is directed to report to the Legislature on the



57 status of the department's compliance with all of the
58 recommendations for improvement of the Adult Services Program
59 included in Report No. 03-08 from the Office of Program Policy
60 Analysis and Government Accountability. The department is also
61 directed to analyze and include as part of this report a plan
62 for implementing at least one multidisciplinary adult protection
63 team, as defined in s. 415.1102, Florida Statutes, in each of
64 the department's districts.

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

67 744.7021 Statewide Public Guardianship Office.--There is
68 hereby created the Statewide Public Guardianship Office within
69 the Department of Elderly Affairs. ~~The Department of Elderly~~
70 ~~Affairs shall provide administrative support and service to the~~
71 ~~office to the extent requested by the executive director within~~
72 ~~the available resources of the department. The Statewide Public~~
73 ~~Guardianship Office may request the assistance of the Inspector~~
74 ~~General of the Department of Elderly Affairs in providing~~
75 ~~auditing services, and the Office of General Counsel of the~~
76 ~~department may provide assistance in rulemaking and other~~
77 ~~matters as needed to assist the Statewide Public Guardianship~~
78 ~~Office. The Statewide Public Guardianship Office shall not be~~
79 ~~subject to control, supervision, or direction by the Department~~
80 ~~of Elderly Affairs in the performance of its duties.~~

81 (1) The Secretary of Elderly Affairs shall appoint the
82 executive director, who shall be the head of the Statewide
83 ~~Public Guardianship Office is the executive director, who shall~~
84 ~~be appointed by the Governor.~~ The executive director must be a



85 member of The Florida Bar, knowledgeable of licensed attorney
86 ~~with a background in~~ guardianship law and knowledge of the
87 social services available to meet the needs of incapacitated
88 persons, shall serve on a full-time basis, and shall personally,
89 or through representatives of the office, carry out the purposes
90 and functions of the Statewide Public Guardianship Office in
91 accordance with state and federal law. The executive director
92 shall serve at the pleasure of and report to the Secretary
93 ~~Governor~~.

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

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

99 (b) The executive director ~~office~~, in consultation with
100 local guardianship offices, shall develop statewide performance
101 measures and standards.

102 (c) The executive director ~~office~~ shall review the various
103 methods of funding guardianship programs, the kinds of services
104 being provided by such programs, and the demographics of the
105 wards. In addition, the executive director ~~office~~ shall review
106 and make recommendations regarding the feasibility of recovering
107 a portion or all of the costs of providing public guardianship
108 services from the assets or income of the wards.

109 (d) ~~No later than October 1, 2000, the office shall submit~~
110 ~~to the Governor, the President of the Senate, the Speaker of the~~
111 ~~House of Representatives, and the Chief Justice of the Supreme~~
112 ~~Court an interim report describing the progress of the office in~~



113 ~~meeting the goals as described in this section. No later than~~
114 ~~October 1, 2001, the office shall submit to the Governor, the~~
115 ~~President of the Senate, the Speaker of the House of~~
116 ~~Representatives, and the Chief Justice of the Supreme Court a~~
117 ~~proposed public guardianship plan including alternatives for~~
118 ~~meeting the state's guardianship needs. This plan may include~~
119 ~~recommendations for less than the entire state, may include a~~
120 ~~phase-in system, and shall include estimates of the cost of each~~
121 ~~of the alternatives. By January 1, 2004, and by January 1 of~~
122 ~~each year thereafter, the executive director office shall~~
123 ~~provide a status report and provide further recommendations to~~
124 ~~the Secretary that address the need for public guardianship~~
125 ~~services and related issues.~~

126 (e) The executive director office may provide assistance
127 to local governments or entities in pursuing grant
128 opportunities. The executive director office shall review and
129 make recommendations in the annual report on the availability
130 and efficacy of seeking Medicaid matching funds. The executive
131 director office shall diligently seek ways to use existing
132 programs and services to meet the needs of public wards.

133 (f) The executive director, in consultation with the
134 Florida Guardianship Foundation office shall develop a
135 guardianship training program curriculum that. ~~The training~~
136 ~~program~~ may be offered to all guardians whether public or
137 private. ~~The office shall establish a curriculum committee to~~
138 ~~develop the training program specified in this part. The~~
139 ~~curriculum committee shall include, but not be limited to,~~
140 ~~probate judges. A fee may be charged to private guardians in~~



141 ~~order to defray the cost of providing the training. In addition,~~
142 ~~a fee may be charged to any training provider for up to the~~
143 ~~actual cost of the review and approval of their curriculum. Any~~
144 ~~fees collected pursuant to this paragraph shall be deposited in~~
145 ~~the Department of Elderly Affairs Administrative Trust Fund to~~
146 ~~be used for the guardianship training program.~~

147 (3) The executive director ~~office~~ may conduct or contract
148 for demonstration projects authorized by the Department of
149 Elderly Affairs, within funds appropriated or through gifts,
150 grants, or contributions for such purposes, to determine the
151 feasibility or desirability of new concepts of organization,
152 administration, financing, or service delivery designed to
153 preserve the civil and constitutional rights of persons of
154 marginal or diminished capacity. Any gifts, grants, or
155 contributions for such purposes shall be deposited in the
156 Department of Elderly Affairs Administrative Trust Fund.

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

160 Section 4. This act shall take effect July 1, 2003.