

Bill No. CS for SB 1822, 1st Enq.

Amendment No. \_\_\_\_ Barcode 213576

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

WD/3R  
04/30/2003 01:52 PM

.  
. .  
. .  
. .  
. .  
. .

---

Senator Saunders moved the following amendment:

**Senate Amendment (with title amendment)**

On page 6, between lines 9 and 10,

insert:

Section 5. 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 Office. The Statewide Public Guardianship Office shall not be subject to control, supervision, or~~

Bill No. CS for SB 1822, 1st Enq.

Amendment No. \_\_\_\_ Barcode 213576

1 ~~direction by the Department of Elderly Affairs in the~~  
 2 ~~performance of its duties.~~

3           (1) The Secretary of Elderly Affairs shall appoint the  
 4 executive director, who shall be the head of the Statewide  
 5 Public Guardianship Office ~~is the executive director, who~~  
 6 ~~shall be appointed by the Governor.~~ The executive director  
 7 must be a member of The Florida Bar, knowledgeable of licensed  
 8 ~~attorney with a background in guardianship law and knowledge~~  
 9 of the social services available to meet the needs of  
 10 incapacitated persons, shall serve on a full-time basis, and  
 11 shall personally, or through representatives of the office,  
 12 carry out the purposes and functions of the Statewide Public  
 13 Guardianship Office in accordance with state and federal law.  
 14 The executive director shall serve at the pleasure of and  
 15 report to the secretary ~~Governor~~.

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

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

21           (b) The executive director ~~office~~, in consultation  
 22 with local guardianship offices, shall develop statewide  
 23 performance measures and standards.

24           (c) The executive director ~~office~~ shall review the  
 25 various methods of funding guardianship programs, the kinds of  
 26 services being provided by such programs, and the demographics  
 27 of the wards. In addition, the executive director ~~office~~ shall  
 28 review and make recommendations regarding the feasibility of  
 29 recovering a portion or all of the costs of providing public  
 30 guardianship services from the assets or income of the wards.

31           (d) ~~No later than October 1, 2000, the office shall~~

Bill No. CS for SB 1822, 1st Enq.

Amendment No. \_\_\_\_ Barcode 213576

1 ~~submit to the Governor, the President of the Senate, the~~  
2 ~~Speaker of the House of Representatives, and the Chief Justice~~  
3 ~~of the Supreme Court an interim report describing the progress~~  
4 ~~of the office in meeting the goals as described in this~~  
5 ~~section. No later than October 1, 2001, the office shall~~  
6 ~~submit to the Governor, the President of the Senate, the~~  
7 ~~Speaker of the House of Representatives, and the Chief Justice~~  
8 ~~of the Supreme Court a proposed public guardianship plan~~  
9 ~~including alternatives for meeting the state's guardianship~~  
10 ~~needs. This plan may include recommendations for less than the~~  
11 ~~entire state, may include a phase-in system, and shall include~~  
12 ~~estimates of the cost of each of the alternatives. By January~~  
13 ~~1, 2004, and by January 1 of each year thereafter, the~~  
14 ~~executive director office shall provide a status report and~~  
15 ~~provide further recommendations to the secretary which address~~  
16 ~~the need for public guardianship services and related issues.~~

17 (e) The executive director office may provide  
18 assistance to local governments or entities in pursuing grant  
19 opportunities. The executive director office shall review and  
20 make recommendations in the annual report on the availability  
21 and efficacy of seeking Medicaid matching funds. The executive  
22 director office shall diligently seek ways to use existing  
23 programs and services to meet the needs of public wards.

24 (f) The executive director, in consultation with the  
25 Florida Guardianship Foundation office shall develop a  
26 guardianship training program curriculum that. ~~The training~~  
27 ~~program~~ may be offered to all guardians whether public or  
28 private. ~~The office shall establish a curriculum committee to~~  
29 ~~develop the training program specified in this part. The~~  
30 ~~curriculum committee shall include, but not be limited to,~~  
31 ~~probate judges. A fee may be charged to private guardians in~~

Bill No. CS for SB 1822, 1st Enq.

Amendment No. \_\_\_\_ Barcode 213576

1 ~~order to defray the cost of providing the training. In~~  
2 ~~addition, a fee may be charged to any training provider for up~~  
3 ~~to the actual cost of the review and approval of their~~  
4 ~~curriculum. Any fees collected pursuant to this paragraph~~  
5 ~~shall be deposited in the Department of Elderly Affairs~~  
6 ~~Administrative Trust Fund to be used for the guardianship~~  
7 ~~training program.~~

8           (3) The executive director office may conduct or  
9 contract for demonstration projects authorized by the  
10 Department of Elderly Affairs, within funds appropriated or  
11 through gifts, grants, or contributions for such purposes, to  
12 determine the feasibility or desirability of new concepts of  
13 organization, administration, financing, or service delivery  
14 designed to preserve the civil and constitutional rights of  
15 persons of marginal or diminished capacity. Any gifts, grants,  
16 or contributions for such purposes shall be deposited in the  
17 Department of Elderly Affairs Administrative Trust Fund.

18           (4) The Department of Elderly Affairs office has  
19 authority to adopt rules pursuant to ss. 120.536(1) and 120.54  
20 to carry out the provisions of this section.

21  
22 (Redesignate subsequent sections.)

23  
24  
25 ===== T I T L E   A M E N D M E N T =====

26 And the title is amended as follows:

27           On page 1, line 27, following the semicolon  
28  
29 insert:  
30           amending s. 744.7021, F.S.; providing that the  
31           executive director of the Statewide Public

Bill No. CS for SB 1822, 1st Enq.

Amendment No. \_\_\_\_ Barcode 213576

1           Guardianship Office shall be appointed by the  
2           Secretary of Elderly Affairs, rather than by  
3           the Governor; transferring certain  
4           responsibilities from the Statewide Public  
5           Guardianship Office to the Department of  
6           Elderly Affairs;

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31