

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)

On page 6, between line(s) 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~~

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

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

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

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

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

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

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57 and make recommendations regarding the feasibility of recovering
58 a portion or all of the costs of providing public guardianship
59 services from the assets or income of the wards.

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

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

84 (f) The executive director, in consultation with the
85 Florida Guardianship Foundation office shall develop a

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

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

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

===== T I T L E A M E N D M E N T =====

On page 1, line(s) 27,

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115 Insert after the semicolon:
116 amending s. 744.7021, F.S.; providing that the executive
117 director of the Statewide Public Guardianship Office shall be
118 appointed by the Secretary of Elderly Affairs, rather than by
119 the Governor; transferring certain responsibilities from the
120 Statewide Public Guardianship Office to the Department of
121 Elderly Affairs;