

FSGA BULLETIN



FSGA WORKING FOR YOU IN TALLAHASSEE

The Florida Legislature concluded its 2023 Legislative Session recently on May 5th. As a result several new laws of interest will be taking effect soon as of July 1. Here are two new laws of particular importance to guardians –

1) SB 1396 - relating to the Dept. of Elder Affairs (continuing education requirements)

Among its various provisions this legislation successfully fulfills an FSGA objective to improve continuing education requirements for guardians increasing the hours from 16 to 30 every two years.

Additionally, the new law specifically identifies up to 12 hours of core competencies in fiduciary responsibilities, ethics, advance directives, abuse and exploitation, and guardianship law.

The current requirement dates back to 1997. Much has changed in Florida since then with another 6 million added residents, its ever growing older population, and with the complexities in the overall practice of guardianship.

Most good guardians already readily surpass the current minimum of the 16 hours knowing this unquestionably contributes to improving job performance, encourages best practices, and leads to better outcomes for all concerned persons.

Besides FSGA always being on record advocating for education and training across all sectors including court personnel, clerks and judges, FSGA spearheaded these particular improvements with officials in Tallahassee. Consequently, FSGA already has held meetings with OPPG in Tallahassee in recent weeks concerning the law's implementation schedule and development of the course contents for the core competencies.

[CLICK HERE](#) LINK TO LEGISLATION SB 1396



2) CS/CS/HB 1119 - relating to withholding or withdrawal of life-prolonging procedures (DNRs);

This revisits the procedures hastily enacted in 2020 requiring in all instances court orders before consenting to DNRs. Among the requirements there will be certain detailed exemptions. These conditions are to include two doctors concurring, and no known objections from various parties which need to be notified.

These changes were largely spearheaded by public guardians Karen Campbell from Tallahassee and Tamara Cribben from Tampa. Both will be discussing the intricacies of the new law at the FSGA Conference in July.

[CLICK HERE LINK TO LEGISLATION CS-CS-HB 1119](#)

3) Changes to OPPG Administrative Rule Chapter 58M-2

As folks know the Dept. of Elder Affairs / OPPG administrative rule Chapter 58M-2 governs all things related to guardians from the annual registration process, to credit and criminal background checks, to the Standards of Practice, to the important Disciplinary Action and Guidelines.

To their credit the department embarked on making numerous updates and necessary revisions to the Rule this past March. For instance, the whole area involving complaints and disciplinary actions is being addressed essentially for the first time as has been required since 2016 and noted by the Florida Auditor General as a deficiency.

FSGA has been actively participating in the process including contracting with the Tallahassee based law firm of Grossman, Furlow, & Bayo that specialize in administrative law. Esteemed former FSGA president and attorney Lance McKinney is also very involved and representing FSGA as well.

FSGA is being supported in its efforts making recommendations and raising questions by the Elder Law Section of the Florida Bar. Several public guardians have also been participating.

The rulemaking process is rather complicated and detailed as it adheres to the requirements of Chapter 120 of the Florida Statutes. FSGA will continue making every effort to be helpful to the department and to making positive contributions for all concerned.

MORE DETAILS WILL BE PROVIDED ON THE NEW LAWS AND THE ADMINISTRATIVE RULE DEVELOPMENTS DURING OUR JULY CONFERENCE IN ORLANDO!

MEET CLARK AT THE FSGA CONFERENCE IN JULY WHERE HE IS FEATURED A PRESENTER



Clark Gates

**NEW EXECUTIVE DIRECTOR,
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AT FLORIDA DEPARTMENT
OF ELDER AFFAIRS**



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FSGA 36TH Annual Conference, July 20th - 21st 2023

Rosen Plaza Hotel 9700 International Drive Orlando, Florida

LEADING FEATURED PRESENTERS INCLUDE:



Honorable Kathleen Passidomo, President, The Florida Senate
Perspectives from Florida's Legislative Leadership.



Sean Cadigan, General Magistrate & Elder Justice Center Director of the 13th Judicial Circuit, and Marie Marino, Director of the Forensic Behavioral Health Intervention Unit at Office of the Public Defender
What guardians need to know about the Baker Act & Extraordinary Relief under Florida Guardianship Law



Michelle Branham, Secretary, Florida Department of Elder Affairs
Department of Elder Affairs moving forward from its 30th anniversary.



Clark Gates, Executive Director, Office of Public and Professional Guardians
Florida Guardians and the Office of Public and Professional Guardians (OPPG)



Caitlyn Clibbon, Esq., and Tony DePalma, Director of Public Policy, Disability Rights Florida (DRF)
Supported decision-making, guardian advocacy, and guardianship



Terri Cantrell, State Ombudsman, Florida's Long-Term Care Ombudsman Program
The Rejuvenation of Florida's Long-Term Care Ombudsman Program



Erica Floyd-Thomas, Assistant Secretary for Substance Abuse and Mental Health, Florida's Department of Children and Families
Model Approaches to Supportive Housing, Improving Current Service Delivery Systems

FSGA Conference for Florida Guardians and Professionals!

Begins Thursday July 20th @8AM
Includes Thursday evening Speakers Reception
Concludes Friday July 21st @3:30PM

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Expert Tip: Use Check Lists

Ever gone to the store for bread and come home with two bags of groceries and no bread? This happens more times than we like to admit. In our busy lives, we are often distracted. That's the beauty of a checklist! By definition, "a checklist is a type of informational job aid used to reduce failure by compensating for potential limits of human memory and attention. It helps to ensure consistency and completeness in carrying out a task." So, if a checklist can ensure that we come home from the store with a loaf of bread, how can we apply the same idea to the business of guardianship?

We talk a lot about best practices in Guardianship, but without a tool to help put those practices into play—consistently—we are subject to the limits of memory and attention. Using software with a checklist feature

overcomes those shortcomings by providing the framework to create a work flow process and track activity progress. SEM Applications Guardianship Software provides customizable checklist options that display activity due dates on the calendar and provide reports to list outstanding items.

A good Checklist doesn't need to be elaborate; it needs to be duplicable. Create checklists for accountability in court required activities, to establish a progression for assigned tasks, and as a way to define company procedures. Check List items should be meaningful activities and actions or items that are critical to success. A checklist that is too long or complex to comfortably manage or one that includes items that are only rarely necessary will be frustrating to update and maintain. Conversely, a checklist that is vague or overly generalized may not provide enough direction to be helpful.

Start with one set of vital tasks or focus on a process that has court required activities or tasks that could be easily missed or forgotten. Order the tasks by priority and then refine the list to contain only items critical to success. For example, a New Client Checklist would only need to include a task to "Close existing bank accounts" rather than multiple tasks to "Close Checking account" and "Close Savings account". A task to "Marshall all assets" might prove to be too general. It might be wiser to include options for specific types of assets (i.e. cash assets, real estate, etc.).

With customization options, you can make course corrections as you go until you have a Checklist that fits your needs perfectly!

Interested in other expert tips? Visit www.sem97.com or call 660-446-3031 to learn more about the features of our guardianship software.



FSGA
Florida State
Guardianship Association



CALL FOR NONIMMATIONS

The FSGA is led by a robust Board of Directors from a variety of professions over all areas of the state of Florida. Members from the guardianship field direct the activities of the association to ensure that we remain the premier education and advocacy association for guardians and those they serve. Board roles are for professionals who like to roll their sleeves up and dedicate their time and energy to implementing the agenda of our association. The FSGA Board is looking for new enthusiastic professionals to help guide our directives. Now accepting nominations for:

JOIN OUR BOARD OF DIRECTORS

Directors

- At Large (1)

Area Directors (2)

- Area VII Levy, Marion, Lake, Sumter, Citrus, Alachua
- Area VIII Nassau, Duval, Columbia, Baker, Union, Clay, St. Johns, Putnam, Volusia, Clay

Area Directors VACANT

- Area I Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Gulf and Calhoun
- Area V Palm Beach, Broward, Miami Dade
- Area III Hernando, Pasco, Hillsborough, Polk, Hardee, Highlands, Pinellas

All applicants must be members in good standing. Area Directors must reside within the area to be considered.

COMPLETE FORM HERE

**All forms must be received by June 15th, 2023
Incomplete or late submissions will not be considered**

For questions or submissions, please email: executiveoffice@floridaguardians.com