LEGISLATIVE UPDATES 2017-2018/
IMPORTANT STATUTE REVIEW

Nicolas S. Robinson, Esq. (Nick) is an attorney and partner with the law firm of Ripley, Whisenhunt & Robinson, PLLC, where he focuses his practice on Guardianship, Estate Planning, Probate, Trust, Asset Protection, Elder Law, and Long Term Care Planning.

After graduating from Stetson University College of Law, Nick was admitted to the Florida Bar in 2011 and soon began his legal career at the Pinellas County Public Defender’s Office. He left the Public Defender’s office in 2014 to work in private practice. He is a member of the Elder Law Section of the Florida Bar, the Academy of Florida Elder Law Attorneys, the National Academy of Elder Law Attorneys, the St. Petersburg Bar Association, the Clearwater Bar Association, Better Living for Seniors and the Guardian Association of Pinellas County.

Nick will provide our membership with vital updates on legislative initiatives such as HB399 and POMS, along with the review of Proxy Statute and Legally Authorized Person.

Location and General Meeting details are noted below. Be sure to RSVP at the Association’s website link below and join us for lunch. 1 CEU is provided for members in good standing.

ASSOCIATION COMMUNICATIONS
Contact Info:
P.O. Box 1826
Pinellas Park, FL 33780
(517) 256-0403
Info@GuardianAssociation.org

Monthly Calendar

FEBRUARY 14, 9:30 A.M.  BOARD MEETING
Palms of Largo - REGAL PALMS Bldg., VERANDAH ROOM

FEBRUARY 14, 11:30 A.M.  ASSOCIATION MEETING
Palms of Largo - CYPRESS PALMS Bldg., 400 Lake Avenue NE, Largo
1 CEU available

FEBRUARY 23, 9:00 A.M.  GAPC NETWORKING BREAKFAST
Westminster Shores, 125 56th Avenue South, St. Petersburg

Please RSVP to Association Website
THOUGHTS FROM THE PRESIDENT...

Happy February! In the blink of an eye we are settling into 2018 and are on course to have explosive growth and development within our association. Attendance is on the rise (be sure to go online to renew your dues for 2018).

Our BOD will be meeting to consider the feedback received regarding both the LOGO contest as well as the Conference Theme contest. The response to the GAPC Conference theme contest has been unbelievable but we are still looking for logo ideas.

As your president, I want to encourage you to get involved...this is YOUR association and we value your input. Please consider attending the various committee meetings and join the one (or more) that speaks to your heart.

Have you noticed some of the changes to our website as you were online renewing your dues? We are continuing to work on them so we appreciate your patience.

Mark your calendars now to save the dates for 2018: We meet at 11:30 am at Cypress Palms the second Wednesday of every month for lunch and to gain valuable knowledge that enables all Guardians to better serve their clients/wards. We appreciate you RSVPing online to reserve your seat. We also meet for networking and breakfast the last Friday morning each month...check out the website for locations and to RSVP.

I look forward to seeing you and a guest at our next meeting!

TRACI
Traci.Fguardianship@gmail.com
Public Meeting held by the Florida Supreme Court’s Guardianship Workgroup and Florida’s Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) on 2/1/2018:

The central question asked by these two groups was: “If you could make one change in Florida’s guardianship system, what would it be?” The answer was a resounding “more education and training for professional guardians.”

The panel consisted of Judge Fred Lauten, Judge Olin Shinholser, Judge Michele Worley, Robert Anderson, Amanda Heystek, Andrew Sasso, Karen Campbell and Carol Berkowitz, Ph.D.

There were between 50 and 60 attendees, most were from the Orlando/Orange County area.

Anthony Palmieri, Deputy Inspector General for the Clerk’s Guardianship Fraud Program, spoke on how his office’s audit of 1600 guardianship proceedings resulted in 6 million in unsubstantiated disbursements and or missing assets.

A great deal of discussion was had on the accounting reports filed by guardians. All recommended that they should be read closely by the court which would then address any irregularity. Several comments were made on guardians’ billing practices such as billing hourly rate for non-professional work, or performance of clerical tasks. A suggestion was made to have guardians’ reports be audited by trained auditors under the supervision of the courts.

Judge Jose Rodriguez of Orange County suggests experienced attorneys and guardians to volunteer their time to teach courses or a curriculum on what it would take to be a good professional guardian, including an online course where attendance is verified.

Aging Solutions (Office of the Public Guardian) recommended uniform guardianship forms for all counties.

There were discussions concerning youths in foster care with special needs that are now becoming adults.

There was an agreement that the Office of Public Guardian needs more funding. Consistent with this, professional guardians were encouraged to take pro bono cases.

The Guardian Association of Pinellas County encourages all members and/or vendors to utilize PayPal for all transactions with the GAPC.

You do not need to have an account to pay with PayPal.
Top Reasons For Medicaid Denial or Delay
by April D. Hill, Esq.

The dawn of the new year is a great time for a fresh start. You can finally become the person you want to see in the mirror, for yourself and for your loved ones. They might have inspired your quest for that better you, so why not make one more resolution that will benefit you all? You should no longer procrastinate when it comes to those final arrangements. Creating an estate plan should be a resolution for 2018.

You might think that your loved ones will worry about your mortality and discussing estate planning will cause them undue stress: untrue. Having a set plan when the time comes will ease your loved ones’ minds during their grief. People in mourning do not need the added burdens of paperwork and probate courts that dying intestate will entail. Dying without a will means that the courts will determine who receives your assets—and the legal chain of inheritance probably will not mesh with your wishes.

Another common excuse for not executing a formal estate plan is having an informal arrangement. While it’s possible that your loved ones might follow your every dictate to the letter, it’s far more likely that they will be too consumed by their recent loss to remember what you actually wanted. Your children might begin to squabble over who gets what family heirloom before the funeral is even over. Worse, they might be forced to guess at what your medical directives would be because you are unable to make the decisions yourself.

The size of your estate does not matter: there is no excuse not to prepare for your family’s future. Do it for yourself, do it for them.

All of us at Hill Law Group are here to help you with any and all of your estate planning needs, please don’t hesitate to contact us.

Wishing you a happy 2018.

Follow Us on Social Media

Guardians and Healthcare professionals can exchange ideas, ask questions, seek solutions, build a network, and receive helpful info/updates through social messaging.

Membership Dues

A friendly reminder that Membership renewals are due. Please check your profile on our website for accuracy and to see if your Membership is up-to-date.
This year, the Florida Legislature will begin on January 9 and end on March 9. During these 60 days, members of the Senate and House of Representatives will consider proposed legislation. To date, several bills have been filed of interest to guardians:

**SB 1002** proposes changes to FS 744.368 Responsibilities of the clerk of court: this section would allow the clerk to conduct additional audits of initial and annual reports and advise the court of the results. If there is a finding of any wrongdoing by the guardian, the guardian may not be paid or reimbursed for any fees or costs incurred as a result of responding to the audit.

Proposed change to 744.3701 Confidentiality. Allows the clerk of court to disclose confidential information to the Department of Children and Families or law enforcement agencies for other purposes as provided by court order.

Proposed change to 744.444 Power of guardian without court approval. Allows the guardian of the property to provide information about a ward, which is related to an investigation, to the clerk of court, Office of Public and Professional Guardians investigator or to a local or state ombudsman council member who is conducting the investigation.

**SB 500** would establish the Senior Advocate Program in the Office of Public and Professional Guardians. The purpose of the program is intended to strengthen and secure the legal rights, dignity, autonomy, quality of life, and quality of care of vulnerable seniors by providing volunteer advocates for vulnerable seniors age 60 or older. It allows the secretary of the Department of Elder Affairs to appoint senior advocates to advocate for seniors residing in the community and in mental health and health care facilities. A senior advocate would have the authority to enter a long-term care facility without notice and without first obtaining a warrant if he or she wishes to inspect and copy records related to the senior.

**SB 474** that would establish Physician Orders for Life-Sustaining Treatment (POLST). A similar bill failed to pass in the 2017 legislature but advocates for the bill are optimistic that it will pass this session. This bill requires the Agency for Health Care Administration to establish and maintain a database of compassionate and palliative care plans and authorized specified personnel to withhold or withdraw cardiopulmonary resuscitation if presented with a POLST form that contains a DNR order. It allows for the revocation of a POLST form by the patient or the patient’s legal representative and allows for expedited judicial intervention if a family member of the patient, the health care facility providing services to the patient or the patient’s physician believes that directives executed by the patient’s legal representative are in conflict with the patient’s prior expressed desires regarding end-of-life care.

You can follow the actions on bills by visiting [www.flSenate.gov](http://www.flSenate.gov) and [www.myfloridahouse.gov](http://www.myfloridahouse.gov). If you would like to voice your opinions to your legislators regarding any bills, you can find their contact information on [www.flSenate.gov/senators/find](http://www.flSenate.gov/senators/find) and [www.myfloridahouse.gov/sections/representatives](http://www.myfloridahouse.gov/sections/representatives).