GUARDIANSHIP AS A BUSINESS

We are pleased this month to welcome our GAPC Treasurer, Keith Crosby as our General Meeting speaker. Born and raised in St. Petersburg, Keith received his Bachelors in Finance (BA) from the University of South Florida and his Masters in Finance (MBA) from the University of Boston. He began in the financial services industry in 1991 and has provided accounting and tax preparation services since then. He is the owner and operator of West Coast Accounting & Financial Services in Seminole.

Keith will give us an informative and timely presentation about the business aspects of Guardianship including deductions for Wards and Guardians, advantages/disadvantages of an LLC, and 1099’s.

We have received possible themes for our Annual Conference. Join us at the February meeting as we make a final decision.

Join us at Cypress Palms, Largo on Wednesday, February 12th, 11:30 a.m. Please RSVP at our GAPC’s website. One CEU is provided for Guardian members in good standing.

NEW REQUIREMENT

This is a reminder that a change of address form must be supplied to the Pinellas County Property Appraisers Office for all new guardianships. There is a place on the form for Guardianship or POA. The change of address form can be found on their website, pcpao.org or directly at pcpao.org/Chg_of_Address.pdf.
With a New Year, a new Board of Directors, and with new Committee Chairs, we encourage you to get involved in YOUR organization. Join a committee that interests you. We appreciate and in fact, we NEED your input and your unique talents... plus it is a great way to get to know your fellow members.

Please check out the list of Committees in the left column on this page. Reach out to the Committee Chair(s) by email at Info@GuardianAssociation.org. Please indicate in the reference line which committee you’re interested in. We will forward your emails to those specific Committee Chairs. Next month we will publish meeting times and locations for each committee.
HAVE YOU BEEN APPOINTED SUCCESSOR GUARDIAN?

Florida Statutes 744.471 states a successor guardian shall be appointed if a guardian dies, becomes incapacitated, or is removed. Successor guardians are governed by the laws concerning guardianships.

When a guardian resigns or has been removed, the court will require the guardian to do the following:

- File a Final Report of his or her guardianship.
- Deliver to the Successor Guardian all property of the ward, all records concerning the property of the ward or of the guardianship, and all money due to the ward from him or her.
- The Guardian of the Person must deliver to the Successor Guardian copies of all records of medical or personal care, prior to being discharged.
- The acceptance of the resignation, shall not exonerate the guardian or the guardian’s surety from any liability previously incurred.

Florida Statutes 744.474 lists reasons for removal of a guardian:

- Failure to comply with any order of the court.
- Development of a conflict of interest between the ward and the guardian.
- Improper management of the ward’s assets.
- Abuse of his or her powers.
- Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty, any offense prohibited under Florida Statutes 435.03 or under a similar statute of another jurisdiction.
- Failure to comply with the rules for timely filing the initial and annual guardianship reports.
- Failure to fulfill the guardianship education requirements.
- Failure to give bond or security for any purpose when required by the court.
- Failure to discharge her or his duties.

Please remember, if a removed or resigned guardian of the property fails to file a true, complete, and final accounting of his or her guardianship, or turn over to the successor guardian all property, records, and money due to the ward, then the removed or resigned guardian may be held in contempt. If a successor guardian identifies any fraudulent activity, contact the Division of Inspector General as soon as possible.

If there is a topic you would like discussed in any of our upcoming monthly newsletter articles, please email it to

aDiNatale@mypinellasclerk.org.
Two new bills were introduced in January pertaining to guardians: HB 7025 and its identical companion SB 1762. Outlined below are the proposed changes. The legislative session ends on March 13. To view proposed bills, visit www.flsenate.gov, under 2020 Bills, choose House and Senate Bills.

744.2001 (1) Office of Public and Professional Guardians. Deletes the requirement that the executive director of OPPG must be a member of the Florida Bar.

744.2001 (2)(d) New — Requires OPPG to make available online an 8 hour education course for family and non-professional guardians.

744.2001 (2)(e) New — Requires OPPG to produce and make available information about alternatives to, and types of, guardianship that can be disseminated by area agencies on aging and aging resource centers.

744.2003 (3)(a) Changes the number of continuing education from 16 hours to 20 hours every 2 years and requires that number to include at least 2 hours on fiduciary responsibilities and professional ethics, 1 hour on advance directives, 3 hours on abuse, neglect and exploitation and 4 hours on guardianship law.

744.2003 (10) New — Requires each professional guardian submit and maintain with OPPG the following information: The names and position titles of all employees of the professional guardian and the counties in which the professional guardian is appointed to any ward.

744.2004 (1)(a) Complaints — New — Requires OPPG to initiate an investigation of any complaint, if determined legally sufficient, within 10 business days after receipt of the complaint.

744.2004 (1)(b) New — Requires OPPG to notify the complainant no later than 10 business days after OPPG determines that a complaint is not legally sufficient.

744.2004(1)(c) Changes the date when the initial investigative findings and recommendations must be completed and provided to the professional guardian and the person who filed the complaint to 45 business days instead of 60 business days.

744.2004(1)(g) New — Requires that a written statement specifying any finding of a violation of a standard of practice by a professional guardian and any actions taken or specifying that no such violation was found be sent to the professional guardian and the complainant within 10 business days after completing an investigation.

744.3145 Guardian Education Requirements. Deletes the provision that the court may waive some, or all, of the educational requirements under this section.

744.368 Responsibilities of the clerk of the circuit court. New— Requires the clerk to report any sanctions on a professional guardian, including, but not limited to, contempt of the court or removal of the professional guardian, to the OPPG within 10 business days after the court imposes any sanctions.

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The Annual 60-day Florida Legislative Session began on January 14 and is scheduled to conclude on March 13. It’s been busy in Tallahassee and some other bills the Legislative Committee is keeping an eye on are:

**HB 709** sponsored by Rep. Burton (R-Lakeland) and **SB 994** sponsored by Sen. Passidomo (R-Naples) would require the court to inquire and consider potential disqualification under s. 744.309 and conflicts of interest under s. 744.446 when appointing guardians. It would prohibit professional guardians from petitioning for their own appointments and would require guardians to seek extraordinary authority under s. 744.3215(4) to execute a DNRO (Do Not Resuscitate Order) for their wards. **HB 709** has been amended to make the process a little less burdensome when exigent circumstances exist. The bill also requires more information about lesser restrictive alternatives and DNRO’s in the initial petitions and in annual plans.

**HB 361** sponsored by Rep. Hattersley (D-Riverview) and **SB 532** sponsored by Sen. Cruz (D-Tampa) are known as “Lincoln's Law” thanks to Lincoln, a local child who, along with his parents, has advocated to expand the definition of developmental disability in Florida law. If passed, this would allow more individuals to receive services from the Agency for Persons with Disabilities (APD) and would permit more parents and other individuals to become guardian advocates rather that guardians if the ward met the expanded definition.

The former **HB 211** and **SB 344** which were amended in their committee stops would permit a physician’s assistant or ARNP, in addition to a medical doctor, to complete the annual examination of a ward and to sign the form to be filed with the court.

**HB 965** and **SB 1648** propose to require a parent to support an adult disabled child. These bills would result in many more individuals being placed into guardianships because the support could only be paid to a guardian or guardian advocate.

There are more bills regulating assisted living facilities and changing the i-budget formula and method of delivery of APD services for individuals with developmental disabilities which the legislative committee will be reviewing to see what specific impact, if any, these bills will have on guardians and/or their wards. And by next month, we may have a better idea about which bills appear likely to pass and which ones have fallen by the wayside so stay tuned to your newsletter!

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).
Call for Presentations  July 16-18, 2020
The Florida State Guardianship Association remains the premier guardianship organization by bringing together the best and brightest in guardianship for our annual three-day educational conference. Our conference brings together guardians, attorneys, fiduciaries, social workers, court personnel, healthcare professionals and so many more. This year’s conference will be held at the phenomenal Hyatt Regency, Sarasota. If you have information to offer in the form of a presentation or panel, please complete the call for presentations and send to Jennifer Burke, burkeguardian@gmail.com by February 17th 2020. As much as we would like to include everyone who submits, space and topics are limited. Please forward this to your colleagues that offer education and training for the guardianship community. Thank you!

View the  CALL FOR PRESENTATIONS

Make Hotel Reservations
Please make your discount reservations at FSGA’s room block link below. Or call the Hyatt at 941-953-1234 don’t forget to reference the FSGA. Discounted Rooms are limited!
Guardian Association of Pinellas County (GAPC) does not promote or vouch for the services provided by any of its members. Members wishing to do business with one another are strongly encouraged to do their own public records searches and background screenings before entering into any business relationship. GAPC accepts no liability for any information identified from those searches/screenings or any claims arising from any verbal or written agreements members may engage in with one another.

MEMBERSHIP DUES
A friendly reminder that Membership renewals are due now. Please check your profile for accuracy on our website and to see if your Membership is up-to-date.

Everyday Essentials
The GAPC is collecting items for the indigent seniors in our community. Items needed include, but are not limited to the following:

- Shampoo
- Hairbrush
- Combs
- Soap
- Toothbrush
- Toothpaste
- Incontinence Products
- Body Wash
- Nail Polish
- Nail Polish Remover
- Greeting Cards (with stamp included on envelope)
- Tissues
- Cosmetics (powder, blush, lipstick)
- Costume Jewelry
- Lotion
- Aftershave
- Cotton Balls

Please donate new, unopened items. Bring your donations to our monthly luncheon or monthly networking breakfast.

If you know of a senior in need of Everyday Essentials, want to volunteer your time or have fresh ideas, please contact Lori Clark or Eileen Dougan at one of the following addresses: lcguardian@yahoo.com or douganem@gmail.com