

# Elder Law Section Guardianship Committee

## AGENDA

Meeting Date: December 13, 2022

Chair: Twyla Sketchley

Vice Chairs: Michelle Kenney & Melissa Williams

Time: Noon Eastern

## VIA ZOOM

Time: Jul 12, 2022 12:00 PM Eastern Time (US and Canada)

Every month on the Second Tue, until Jun 13, 2023, 12 occurrence(s)

Aug 9, 2022 12:00 PM

Sep 13, 2022 12:00 PM

Oct 11, 2022 12:00 PM

Nov 8, 2022 12:00 PM

Dec 13, 2022 12:00 PM

Jan 10, 2023 12:00 PM

Feb 14, 2023 12:00 PM

Mar 14, 2023 12:00 PM

Apr 11, 2023 12:00 PM

May 9, 2023 12:00 PM

Jun 13, 2023 12:00 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/85859846481?pwd=M4JIZCAOmLMkQQtamAc8lK0hIC8bXS.1>

Meeting ID: 858 5984 6481

Passcode: 349083

One tap mobile

+16469313860,,85859846481# US

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Dial by your location

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+1 301 715 8592 US (Washington DC)

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+1 646 876 9923 US (New York)

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+1 346 248 7799 US (Houston)

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Meeting ID: 858 5984 6481

Find your local number: <https://us02web.zoom.us/u/kcrBf5iCUU>

I. Call to Order – Chair/Vice Chair 12:05

II. Roll Call/Attendance

19 attended

III. Approval of Minutes

Minutes from November 2022 Meeting Attached – Need to approve in January b/c they were not attached.

IV. Announcements

a. Inclusion, Diversity, and Engage Committee Free CLE on December 16, 2022 at 11:00 a.m. via Zoom EXHIBIT A

Join Zoom Meeting

[https://us02web.zoom.us/j/88494324798?pwd=t1u2yG7\\_EqtyHdKonOYBm6dS1b0Q4U.1](https://us02web.zoom.us/j/88494324798?pwd=t1u2yG7_EqtyHdKonOYBm6dS1b0Q4U.1)

Meeting ID: 884 9432 4798

Passcode: 798719

b. Elder Law Section Essentials of Elder law January 12, 2023 & Annual Update January 13-14, 2023 [Elder Law Section of the Florida Bar \(eldersection.org\)](http://eldersection.org)  
Please register.

V. Legislative Update

a. ELS Legislative Committee Meeting

i. New Legislative Position approved by the Florida Bar Board of Governors:

Opposes any comprehensive rewrite of Florida's guardianship laws that does not include the substantial adoption of the Uniform Adult Guardianship Jurisdiction Act such that the state of Florida would not be considered an adoptee of the Adult Guardianship and Protective Proceedings Jurisdiction Act.

Discussion of the issues with the BOG meeting and how to handle it in the future.

ii. Baker Act Re-write – Attached

1. Need a review for legislative committee

Everyone review and have comments for next meeting.

iii. Education Proxy – HB19 filed by Representative Tant

Everyone review for next time

Twyla will reach out to Rep. Tant re: is this a placeholder for the previous education proxy that was proposed and opposed by DRF last session it was proposed.

- b. Supported Decision-making & Education Proxy- Need a subcommittee to work on this  
Caitlin Kibbon, Catherine Davey, Michelle Kenney, Karen Murrillo

VI. Law/Case Law Updates

- a. New Cases

- b. New Statutes

- c. New Court Rules –

- i. New Civil Procedure Rules – review

The Florida Supreme Court seems to have made a fun hobby of making changes to the rules of civil procedure on a regular basis. 😊

- d. New FL Bar Rules

- e. New Administrative Rules

- f. New Local Rules

- i. Administrative Rules

- 1. 4<sup>th</sup> Circuit Court Administrative Order on payment of attorney and examining committee. Second Amended Administrative Order No. 2009-03

- a. Update

- 2. 5<sup>th</sup> Circuit Court Administrative Order on payment of guardians Fourth Amended Administrative Order A-2018-69

- a. Chante Jones – Update on outreach to Judge Morley

- ii. Local Judicial Rules

- 1. Send local Rules to Melissa Finley Williams so she can make them part of the Repository Project

Michelle is receiving some and has reached out to the Estate Planning committee to find out if they are wanting to be included in this.

- iii. Unwritten rules by clerk's offices regarding review of petitions, accountings, plans, etc.

- 1. Do you know what your clerk of court uses to audit financial reports?
    - 2. What, other than annual financial reports, does your clerk audit?
    - 3. Are the clerk's making "findings" adopted by judges?
    - 4. PLEASE PROVIDE ANY FORMS, RULES, INSTRUCTIONS, ETC.

- g. New Federal Laws
  - i. Department of Justice Annual Report to Congress on Department of Justice Activities to Combat Elder Fraud and Abuse  
[www.justice.gov/file/1544891/download?fbclid=IwAR1cLw40N0IVyWI8aiR-DHyj8I80RI2wVWFrwEISD-WcqLmTKpADFrLSJ7Y](http://www.justice.gov/file/1544891/download?fbclid=IwAR1cLw40N0IVyWI8aiR-DHyj8I80RI2wVWFrwEISD-WcqLmTKpADFrLSJ7Y)  
Please review this has great information.

## VII. Legislative Update

- a. 745 Rewrite –
  - i. Legislative Committee is working on jurisdiction language
- b. Committee Needs to review Baker Act proposed legislation  
Need review & comments by January meeting.
- c. Committee Needs to review Education Proxy Legislation
- d. Disability Rights Florida would like to work with ELS on supported decision making – sub committee established.

## VIII. Special Projects

- a. Guardianship Local Rule Repository – Melissa Finley Williams  
Still collecting.
- b. National College of Probate Judges Fall Conference in Destin, Florida November 14 – 18, 2022. – Report from Max Solomon- Max not able to attend.
- c. Clerk's Transparency Work Group – Clerks are still developing. Clerks discovered that some of the information that they proposed be collected is not collected in the current system and are attempting to address that
- d. Anti-guardianship Group Monitoring – Bill Johnson & Paul Lemieux
  - i. Nancy Grace's show is "investigating" a case at the behest of a bad step son-  
More details needed
- e. Public Relations Projects – Victoria Heuler, Twyla Sketchley
  - i. News Stories of Interest
  - ii. **Need stories that show the guardianship (family, professional, or public guardian) had to be put in place for the protection of the elder or person with a disability.**

**Stories that show the guardianship saved a person's life, got a ward necessary medical care, saved a ward's assets. We need**

**stories that show that a professional guardian helped saved a ward from an abusive family member or where the ward had no other person outside a professional. Send these stories to Twyla Sketchley so that we can get them to the PR committee.**

- f. WINGS Update – Jose Rodriguez  
ABA survey on guardianship defense- please review it and complete it.
  
- IX. Advocate Article
  - a. Anyone want to write an Advocate Article
  
  - b. Florida Bar Journal Article on Behalf of Elder Law Section
  
- X. Old Business
  - a. Guardian Advocacy treatment as having no authority in Pinellas County – Update  
No additional counties are currently experiencing this, but have in the past. Continue to monitor.
  
- XI. New Business
  
- XII. Next Meeting – January 10, 2022
  
- XIII. Adjourn 1:08 p.m.

# Inclusion, Diversity & Engagement Committee

**Speaker:** Honorable Jack Tuter, Jr. -  
Chief Judge for the 17th Judicial  
Circuit

**Topic:** Inclusion, Diversity, and  
Engagement on the Bench

**Date:** Friday, Dec. 16, 2022

**Time:** 11:00 AM - 12:00 PM

**Location:** Zoom



THE FLORIDA BAR  
ELDER LAW SECTION

