

# Elder Law Section Guardianship Committee

## AGENDA

Meeting Date: February 14, 2022

HAPPY VALENTINES DAY!

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)

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

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I. Call to Order – Chair/Vice Chair  
Melissa F. Williams

II. Roll Call/Attendance 12:07 P.M.

III. Approval of Minutes

Minutes from January 2023 Meeting Attached.

MICHELLE KENNEY MOVE, LISA DEFRANZA SECOND  
APPROVED UNANIMOUSLY

IV. Announcements

- a. Guardianship Committee Presentation on March 22, 2023 at noon for the Elder Law Section's Laws Over Lunch (LOL) Series via Zoom

- i. Melissa Williams and Michelle Kenney are our presenters  
IF YOU WANT SHARE MATERIALS TO BE PRESENTED PLEASE DO  
THE TOPIC IS ALTERNATIVES TO GUARDIANSHIP

- b. MV Realty lawsuit by Florida Attorney General – check you guardianships and estates.

MV REALTY TARGETS PEOPLE TO GIVE THEM A SMALL AMOUNT OF MONEY TO  
“BUY THE RIGHT” TO SELL THE PROPERTY FOR THE NEXT 40 YEARS. IF YOU  
DON'T USE THEM TO TRANSFER OR SELL THE PROPERTY THEN YOU OWE 3% OF  
THE VALUE OF THE PROPERTY AS THEY DETERMINE IT.

THERE ARE OTHER “REAL ESTATE INVESTORS” WHO ARE COPYING THE  
BUSINESS MODEL OR MODIFYING THE BUSINESS MODEL

V. Legislative Update

- a. ELS Legislative Committee Meeting

- i. There is a special session going on right now

- ii. Over 600 bills filed already for regular session and more each day

1. CRUSO GSHIP BILL WAS WITHDRAWN

- iii. Baker Act Re-write – no bill as of yet

1. ELS staying neutral

- iv. Education Proxy – HB19 filed by Representative Tant

Moving Fwd

ADD LANGUAGE TO ALLOW FDOE TO MAKE RULES TO IMPLEMENT

- v. DNRO BILL HAS BEEN FILED. IT APPEARS TO ROLL BACK THE 2020 CHANGES ON  
DNRO. NEED TO REVIEW THAT.

- vi. FILE A REGISTRY FOR PEOPLE WHO MAY HAVE A COGNITIVE ISSUES. VOLUNTARILY SIGN UP FOR SO THAT IT WAS AVAILABLE TO LOCAL LAW ENFORCEMENT SO THEY CAN BE CHECKED ON
  - 1. WE NEED TO SEE WHAT THE PARAMETERS AND NEED TO GUARANTEE THERE MUST BE A PUBLIC RECORDS EXEMPTION
- vii. Possible legislation on paying professional fiduciaries to be agents under DPOAs THIS MAY BE ABLE TO HELP MAKE MORE AVAILABLE TO SERVE AS AGENTS
- b. Supported Decision-making & Education Proxy- Subcommittee Report – This is off the table until next year so the subcommittee has time to create a proposal that addresses many concerns - Caitlin Kibbon, Catherine Davey, Michelle Kenney, Karen Murrillo

VI. Law/Case Law Updates

a. New Cases

NO NEW CASES

b. New Statutes

NO 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. 😊

ii. The Florida Supreme Court has removed the Diversity, Inclusion, & Equality training requirement for judges.

d. New FL Bar Rules

NO NEW

e. New Administrative Rules

THE COVID PUBLIC HEALTH EMERGENCY IS ENDING ON MARCH 31, 2023. YOU NEED TO BE AWARE THIS BECAUSE ALL OF THE MEDICAID PEOPLE ARE GOING TO HAVE BE RECERTIFIED FOR MEDICAID. IT IS LIKELY THAT MANY PEOPLE ARE GOING TO BE KICKED OFF MEDICAID AND NOT KNOW WHY. BE SURE TO NOTIFY ALL YOUR GUARDIANS AND FAMILY MEMBERS EVERYONE HAS TO HAVE A REEVALUATION WITHIN A 12 MONTH PERIOD.

CAITLYN CLIBBON SAID THAT DISABILITY RIGHTS FLORIDA HAS BEEN PARTICIPATING IN THIS AND DCF IS SUPPOSED TO HAVE A PLAN. THERE IS A CONCERN ABOUT THOSE

PEOPLE WHOSE ADDRESSES HAVE CHANGED AND WON'T GET THE LETTERS REGARDING MEDICAID ELIGIBILITY

IF THERE IS AN ISSUE WITH SOMEONE WHO IS NOT REPRESENTED, DISABILITY RIGHTS HAS A HOTLINE THAT FOLKS CAN CALL.

f. New Local Rules

i. Administrative Rules

1. 6<sup>th</sup> Circuit AO 2022-016 PA/PI-CIR Capping Court appointed attorney fees in guardianship to \$175 per hour.

THIS IS SIGNIFICANTLY LOWER THAN ALL OTHER CIRCUITS. PARALEGAL FEES ARE OFTEN CAPPED AT \$100 OR \$125

2. 4<sup>th</sup> Circuit Court Administrative Order on payment of attorney and examining committee. Second Amended Administrative Order No. 2009-03
  - a. Update
3. 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 – SHE WILL SEND A WRITTEN UPDATE
4. DO THESE ORDER CAPPING FEES DO A DISSERVICE TO THE ALLEGED INCAPACITATED PERSON BECAUSE THE EXPERIENCED ATTORNEYS WON'T TAKE COURT APPOINTMENTS

ii. Local Judicial Rules

1. Send local Rules to Melissa Finley Williams so she can make them part of the Repository Project
  - a. GETTING READY TO START PUTTING THEM ON THE ELDER LAW SECTION WEBSITE

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

VII. Legislative Update

- a. 745 Rewrite –
  - i. Legislative Committee is working on jurisdiction language
  - ii. Still no bill filed
  - iii. Lobbyist has one-pager

VIII. Special Projects

- a. Guardianship Local Rule Repository – Melissa Finley Williams
- b. 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
  - i. THERE HAS BEEN A MEETING WITH CLERKS AND OPPG AND THE CONTRACTOR THAT IS DEVELOPING THE SYSTEM. ON 1/26/23. THEY ARE TRYING TO FIGURE OUT HOW TO COLLECT THE DATA, INCLUDING DATA THAT THEY WANT TO GATHER, BUT IS NOT BEING GATHERED.
  - ii. SOMEONE NAMED JASON REACHED OUT TO SHANNON MILLER FOR INFORMATION ON GUARDIANSHIP IN GENERAL. A PERSON NAMED JASON WELTY REACHED OUT TO SHANNON MILLER.
- c. Anti-guardianship Group Monitoring – Bill Johnson & Paul Lemieux
  - i. Update. NO UPDATE
- d. Public Relations Projects – Victoria Heuler, Twyla Sketchley
  - i. IF YOU HAVE GOOD VIDEOS PROMOTING ELDER LAW ATTORNEYS SEND AN EMAIL TO SHANNON MILLER AND VICTORIA HEULER SO THE PR COMMITTEE CAN REVIEW IT WITH THE PR COMMITTEE TO PROMOTE ELDER LAW ATTORNEYS
  - ii. News Stories of Interest
  - iii. **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.**

- e. WINGS Update – Jose Rodriguez
  - i. Update
  
- IX. Advocate Article
  - a. Anyone want to write an Advocate Article
    - i. The FSU Elder Law Clinic students are looking at writing an article 😊
      1. THERE IS ONE ARTICLE ON SUPPORTED DECISIONMAKING THAT A STUDENT IS WRITING
      2. RIMA NATHAN CAN ASSIGN A TOPIC TO A STUDENT
  - b. Florida Bar Journal Article on Behalf of Elder Law Section
    - i. Any ideas
  
- X. Old Business
  
- XI. New Business
  - a. CHANTE JONES: ACCEPTING APPLICATION FOR THE ELDER LAW SECTION FELLOWS PROGRAM TO HELP NEW ATTORNEYS GET INVOLVED IN THE SECTION AND ELDER LAW.
  
- XII. Next Meeting – March 14, 2023
  
- XIII. Adjourn 1:01 P.M.