

Elder Law Section Guardianship Committee

AGENDA

Meeting Date: March 14, 2022

Chair: Twyla Sketchley

Vice Chairs: Michelle Kenney & Melissa Williams

Time: Noon Eastern

VIA ZOOM

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

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
12:05 p.m.

- II. Roll Call/Attendance

Find a participant

- | | | | |
|---|--------------------------------------|---|---|
|  | Twyla Sketchley (Me) |  |  |
|  | Joseph |  |  |
|  | Amanda Kania |  |  |
|  | Caren Lesser, Esq. |  |  |
|  | Chante' Jones |  |  |
|  | Ellen Morris |  |  |
|  | Gerald Hemness |  |  |
|  | Jada Terreros | |  |
|  | Judi Cowart |  |  |
|  | KANDACE RUDD |  |  |
|  | Lisa DiFranza |  |  |
|  | Lisa Gelman |  |  |
|  | Michelle Kenney |  |  |
|  | North Florida Office of Public Gu... |  |  |
|  | Paul Lemieux |  |  |
|  | Peggy devivo |  |  |
|  | Ross C. Alagna, Esq. | |  |
|  | Shannon Miller |  |  |
|  | Stacy Rubel |  |  |
|  | Susan Anderson |  |  |

III. Approval of Minutes

Minutes from February 2023 Meeting Attached.

Moved to approve by Michelle, Kandace second Passed 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
- b. Bloomberg article and guardianship series. ELS has been asked to submit an editorial.
- c. MV Realty lawsuit by Florida Attorney General – check your guardianships and estates.

V. Legislative Update

- a. ELS Legislative Committee Meeting
 - i. Over 1,700 bills filed (down from previous years)
 - ii. DNR Bill – HB 1119, SB 1098 – Up in Senate Children and Families next week

Gave an update
 - iii. Baker Act Re-write – not introduced this session

Lisa DiFranza will be our volunteer
 - iv. Education Proxy – HB19 filed by Representative Tant (Neutral)

Update.
 - v. Fatality Review Team with public records bill – SB 1542 and 1540, HB 1567 + 1569 – Section Supports
 - vi. Support for Adult Dependent Children - SB 226 HB 813 – Family Law initiative – Recommendation from committee to Oppose in current form but we don't have a Legislative Position on point –RPPTL providing technical advice.

Trying to work with family law and Rep. Tant to fix it.
 - vii. Managed Care for DD Population – HB 831, SB 1084 – pilot program in Miami - Committee opposes – Has substantial sponsors.

Several groups opposed it.

viii. MV Realty Fix - HB 861, SB 770 – title company bill – Section Supports

Its moving.

ix. PACE program – HB 693, SB 1504 – Changes oversight of program (out of DOEA and just under AHCA). Allows for additional programs to operate in each region.

Medicaid Committee is neutral

x. State Estate Tax – RPPTL Bill – CS SB 278 and H 619 — Section Supports

xi. 745 Rewrite – no bill filed

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 Clibbon, 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

i. DOEA had hearing on new rule for professional guardians on March 13, 2023. Karen Campbell did attend. FSGA had comments. Public Guardians offered comments. The record is being kept open for two weeks.

-There are some things that we need to look at and comment. Karen Campbell

f. New Local Rules

i. Administrative Rules

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

2. 4th Circuit Court Administrative Order on payment of attorney and examining committee. Second Amended Administrative Order No. 2009-03
 - a. Update
 3. 5th 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
 - iii. Unwritten rules by clerk’s offices regarding review of petitions, accountings, plans, etc.
 1. Do you know what you 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. 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
- c. Anti-guardianship Group Monitoring – Bill Johnson & Paul Lemieux
 - i. Update.
 - ii.
- d. 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.

- e. WINGS Update – Jose Rodriguez
 - i. Update from Michelle Kenney
 - ii. Third Thursday meetings.
 - iii. Next meeting is Thursday, April 13, 2023 at noon.
 - iv. Dr. Rosemary Laird has been invited to speak at the April meeting to discuss (NAN) Navigating Aging Needs an innovative program for caregivers using technology and in-person contact in order to increase the effectiveness of care and reduction on stress for caregivers.
 - v. Update on ARTS Foundation for Seniors a foundation that through stakeholder funding will provide transparent (but limited) funding for attorneys and professional guardians to assist individuals of limited means.
 - vi. ABA Commission on Law an Aging attended an explained the continuing ABA's role in support and advisory role of WINGS ptograms nationally.
 - vii. Trying to tackle the lack of examining committee members
 - viii. May meeting will tentatively address Uniform Guardianship Act.

- VIII. Advocate Article
 - a. Anyone want to write an Advocate Article
 - i. The FSU Elder Law Clinic students are looking at writing an article 😊
 - b. Florida Bar Journal Article on Behalf of Elder Law Section
 - i. Any ideas

- IX. Old Business

- X. New Business

- XI. Next Meeting – April 11, 2023

- XII. Adjourn Shannon Miller moves to adjourn 12:45