

**Summary Report**  
**Meeting with the Florida Office of Public and Professional Guardians**

**From:** Heather Connors, Director of Research, Guardian Community Trust, Inc.

**To:** Collaborators and Friends

**Date:** September 15, 2016

The Massachusetts Guardianship Policy Institute hosted a meeting with executive staff of the Florida Office of Public and Professional Guardians (OPPG) on Wednesday, September 14, 2016, including Executive Director Jason Nelson, Esq., and Amelia Milton, Supervisor of Monitoring, Registration and Education. Amelia and Jason shared some history on their program as well as a wealth of information about how Florida addresses the guardianship needs of its most vulnerable citizens.

**I. Overview of Florida's Program**

The OPPG is an agency of the Florida Department of Elder Affairs, where for the past 15 years it has provided guardianship services to persons who cannot afford a private guardian and for whom there is no willing or appropriate family or friend to serve. OPPG does not provide clinical services itself, but contracts with seventeen different local non-profits throughout Florida, each designated as the "public guardian" for its geographical area. Through these agencies, the program currently serves approximately 4,000 adults yearly. In addition, OPPG recently has been given responsibility for the oversight and education of the state's professional guardians, who support several thousand more adults under guardianship.

The size of individual public guardian offices under contract with OPPG ranges from a tiny program in that serves just six people, to a program in Miami Dade County that serves over 1,500 persons. Most programs have waiting lists of people in need of guardianship services.

**II. History of the Program**

The agency model adopted by OPPG began with a pilot in three counties in the late 1990s. At the time, the program was housed and funded through the judiciary, and was considered very successful because of a significant reduction in hospitalizations and imprisonment within the program areas. After several years of positive outcomes, there was a push to take the program statewide.

Legislation passed in 2000 to create the OPPG<sup>1</sup>, which quickly established contracts with fourteen local area programs that served slightly less than half of Florida's counties. Due to limited funding, the program grew little during its first for 12 years, and many areas continued to have no public guardianship coverage. This changed in 2013, when the program's budget nearly doubled, and the Office was able to reach its original goal of having an at least one office to serve every county of the state. The program's most recent change occurred in 2016, when the Office was given responsibility for the oversight and education of private professional guardians.

### **III How OPPG Operates**

OPPG operates statewide with only about a dozen employees, but the number of staff employed by the seventeen public guardians under contract with OPPG totals over 100. OPPG allows these programs significant autonomy over their caseloads and waiting lists. As a result, the staffing and structure of individual programs varies, based on the needs of the county and constituency. Although Florida is well known for its elderly population, it also has large populations of people with intellectual disabilities and mental health issues, as well as large undocumented populations. Each group has its own challenges, and Florida's local programs have been creative in meeting these needs.

The operations of the OPPG staff itself are focused upon providing standards, support and oversight for its contracted public guardians. These core functions include the following:

1. *Setting eligibility standards for receiving guardianship services.*
2. *Registering and regulating professional guardians, including employees of the public guardians.*
3. *Training and setting continuing education requirements for professional guardians, including employees of the public guardians.*
4. *Performing clinical and financial audits of the public guardians.*
5. *Providing base funding to the public guardians.*
6. *Statewide guardianship database maintenance.*
7. *Public education and advocacy to promote the public guardianship mission.*

### **IV Funding**

Funding of public guardianship in Florida is comparatively robust, but complicated. Total spending statewide from all sources is more than \$10M annually — at least *six times more* than Massachusetts spends on all of its agency-based guardianship services combined, including Protective Services, the Department of Mental Health and the Department of Developmental

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<sup>1</sup> The agency began as the Office of the Statewide Public Guardian, and continued under that name until 2015, when the state's guardianship statute was revised extensively and the agency was renamed the Office of Public and Professional Guardians.

Services. Adjusting for the difference in population alone does not produce parity. With three times the population of Massachusetts, Florida still spends more than *twice the amount per capita* as Massachusetts spends on its public guardians. This, despite the fact that both per capita income and median family income in Massachusetts are about 50% more than in Florida.

Florida's programs have funding streams from both public and private charitable sources. Funds from the legislature are divided into two separate streams: funding for OPPG itself comes through the state's General Fund, while funding for the public guardians is drawn from the budget for the Office of Elder Affairs and allocated by OPPG directly to public guardians in accordance with their respective contracts. The programs do not collect fees from public guardian clients. All programs, however, have at least one other funding source, often the city or county. Funding from the Office makes up the majority of most programs' budgets. (Miami Dade County is the exception; more than half of their budget comes from the county.)

In addition to public monies, a legislatively-mandated non-profit entity, called the Foundation for Indigent Guardianship ("FIG"), receives donations from several charitable organizations, including at least three Florida Medicaid-exempt pooled trust programs, and distributes these funds directly to various public guardians around the state. Finally, each public guardian can do its own fundraising, independent of funding from the public fisc or from FIG. Unfortunately, this means that public guardians sometimes compete with each other for the same grant funds, while all of programs remain inadequately funded overall.

OPPG is attempting to obtain legislative funding to reduce wait lists, but will only require public guardians to accept funding if it is deemed continuous funding. This decision is in recognition that an agency may remain guardian of a person for many years and will need to budget accordingly.

## **V Relationship Between OPPG and Public Guardians**

According to statute, the judiciary nominates new public guardians, which allows the process to be exempt from the typical requirement to procure bids. This system has been useful as local courts are familiar with the organizations in their area and are able to nominate strong programs, whom they trust.

Although Florida's statute is comprehensive, Amelia noted that it is broad enough to allow the OPPG to make rules and adjustments as needed, without being forced to return to the legislature. The OPPG sets standards of practice in their yearly contracts, but it distances itself from programs' daily operations. The OPPG believes that such distance allows both the Office and the programs to be flexible and adapt to issues that arise. They also report regularly updating program contracts to address new and unanticipated issues. The OPPG is in weekly contact with each program, addressing programs' concerns, providing support, and reviewing program and wait list data.

The OPPG audits each program yearly with a comprehensive review of:

1. Internal procedures
2. Program finances
3. Client finances
4. Case files
5. Unannounced meetings with facilities
6. Meetings with clients

The OPPG also has ongoing access to the Public Guardians' data management software, SEMS Applications, which is paid for out of the OPPG budget. OPPG accesses the software to run reports and review case notes when necessary. Although it has many positive functions, the program is very expensive and has some limitations, including difficulty collecting and tracking data. OPPG is considering changing software vendors to find a product that more fully suits its needs; among the options is a tool developed by the Miami Dade County program which has been very positively received.

#### **VI The Need for Data**

Amelia noted that, like most states nationally, Florida collects insufficient guardianship data. They are regularly asked for data when approaching the legislature for increased funding and have begun working with Erica Wood as well as their WINGS group to collect data more comprehensively. In particular, they are interested in knowing more about waiting lists, such as the amount of time people wait for a guardian, as well as information about restoration from guardianship. They are also working with the probate courts to encourage standardization of petitions and forms so they can be more easily tracked across counties.

#### **VII Moving Forward**

Because the program being proposed for Massachusetts is similar to Florida's existing structure, Amelia and Jason's input was invaluable. Their program serves as an example of what we can achieve. While they currently serve the entire state of Florida, it is important to recall that their program began with a small pilot that has since expanded. The spirited conversation with these two experts will be very helpful in structuring our proposal for a similar program in Massachusetts.