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LEGISLATIVE ACTION

Senate

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House

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03/07/2022 08:07 PM

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Senator Bradley moved the following:

Senate Amendment (with title amendment)

Delete lines 43 - 136

and insert:

(1) The Florida Clerks of Court Operations Corporation and the clerks of court shall establish a statewide database of guardian and guardianship case information to facilitate improving court oversight of guardianship cases. The database may not be operational for end users until on or after July 1, 2023. The database must meet interoperability standards defined by the Florida Courts Technology Commission so that each circuit



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12 court can easily access the information for regular use in
13 judicial proceedings under this chapter. The database must
14 include, at a minimum, the following:

15 (a) The registration status of each professional guardian.

16 (b) The substantiated disciplinary history of each
17 professional guardian.

18 (c) The status of each guardian's compliance with the
19 statutory qualifications for guardianship under s. 744.2003 or
20 s. 744.3145.

21 (d) The status of statutorily required reports and
22 submissions under chapter 744.

23 (2) (a) Except as provided under paragraph (3) (b), the
24 database shall be accessible only by members of the judiciary,
25 their direct staff, and court personnel and clerks of court
26 personnel authorized by a judge to assist with guardianship
27 matters. The database must restrict access to the information
28 necessary to perform such individual's duties, but in no way
29 restrict access by judges or magistrates.

30 (b) The database must be searchable by, at a minimum, the
31 name of the petitioner, ward, guardian, and legal counsel for
32 all parties; the demographic information of the ward; the
33 location of the guardian's office; the name of the judge and the
34 circuit in which the case is brought; and the number of wards
35 served by each guardian, by ward county of residence.

36 (3) The Florida Clerks of Court Operations Corporation
37 shall:

38 (a) Upload certain professional guardian information from
39 the database to a webpage accessible to the general public in a
40 searchable format. Such professional guardian information must



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41 be limited to the names of professional guardians and current
42 data regarding the number of wards served by each guardian, the
43 counties of residence of such wards and the number of wards
44 residing in each county, and whether the wards are under limited
45 or plenary guardianships. Personal identifying information of
46 wards may not be included in the data that is searchable under
47 this paragraph.

48 (b) Generate monthly reports of statewide, circuit-level,
49 and county-level statistical data to provide assistance to the
50 courts and the Department of Elderly Affairs and to provide
51 transparency to the public and the Legislature regarding the
52 state's guardianship system. The monthly reports shall include
53 only aggregated and deidentified data. The Florida Clerks of
54 Court Operations Corporation shall publish the statistical data
55 reports monthly on the webpage under paragraph (a).

56 (c) Generate reports using information in the database at
57 the request of the Legislature, the judiciary, or the Department
58 of Elderly Affairs.

59 (4) The Office of Public and Professional Guardians is
60 directed to share professional guardian registration and
61 disciplinary action information for the purposes of this
62 section.

63 (5) (a) Beginning July 1, 2024, and annually thereafter
64 through July 1, 2027, the Florida Clerks of Court Operations
65 Corporation must compile and report data collected by the clerks
66 of court and the Department of Elderly Affairs and maintained in
67 the database to the Office of Program Policy Analysis and
68 Government Accountability (OPPAGA).

69 (b) OPPAGA must analyze the consolidated data compiled in



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70 accordance with paragraph (a) to evaluate trends in the use of
71 guardianships in this state and to conduct a comparative
72 analysis of guardianship laws in other states. OPPAGA must
73 consult with the Office of the State Courts Administrator, the
74 Florida Clerks of Court Operations Corporation, the clerks of
75 court, and the Department of Elderly Affairs during its
76 analysis. OPPAGA shall submit a report containing its findings
77 and recommendations to the Governor, the President of the
78 Senate, and the Speaker of the House of Representatives by
79 October 15, 2024, and annually thereafter through October 15,
80 2027.

81 (c) The data compiled and used for the reports required
82 under this subsection must be produced in a statewide, circuit-
83 level, and county-level statistical format. Such reports must
84 include only aggregated and deidentified data and may not
85 contain personal identifying information of wards.

86 Section 2. Subsection (7) is added to section 744.2001,
87 Florida Statutes, to read:

88 744.2001 Office of Public and Professional Guardians.—There
89 is created the Office of Public and Professional Guardians
90 within the Department of Elderly Affairs.

91 (7) (a) On or before July 1, 2023, the Office of Public and
92 Professional Guardians shall publish on its website a profile of
93 each registered professional guardian. The profiles must be
94 accessible and searchable by the public and must include, at a
95 minimum, the following information:

96 1. The guardian's name and business address.

97 2. Whether the guardian meets the education and bonding
98 requirements under s. 744.2003.



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99 3. The number and type of substantiated complaints against
100 the guardian.

101 4. Any disciplinary actions taken by the Department of
102 Elderly Affairs against the guardian.

103 (b) The Department of Elderly Affairs may not populate the
104 professional guardian profiles with information from the
105 database established in s. 744.2112.

106 (c) The Department of Elderly Affairs may adopt rules
107

108 ===== T I T L E A M E N D M E N T =====

109 And the title is amended as follows:

110 Delete lines 7 - 35

111 and insert:

112 database; specifying restrictions on accessing the
113 database; specifying duties of the corporation
114 relating to uploading certain database information to
115 a certain website and generating and publishing
116 certain reports; providing requirements for the
117 website; requiring the Office of Public and
118 Professional Guardians to share certain data;
119 requiring the corporation to compile and report
120 certain data to the Office of Program Policy Analysis
121 and Government Accountability (OPPAGA) at specified
122 intervals; requiring certain data to be produced in a
123 certain format; requiring OPPAGA to analyze data and
124 prepare reports containing certain information;
125 requiring such reports to be provided to the Governor
126 and the Legislature at specified intervals; providing
127 requirements and prohibitions of such reports;



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128 amending s. 744.2001, F.S.; requiring the office to
129 publish online profiles of registered professional
130 guardians on or before a certain date; requiring the
131 online profiles to contain certain information;
132 prohibiting the Department of Elderly Affairs from
133 populating the profiles with certain information;
134 authorizing the department to adopt rules; providing
135 appropriations; providing an