



208562

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Bradley) recommended the following:

1 **Senate Substitute for Amendment (483144) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 744.2112, Florida Statutes, is created
7 to read:

8 744.2112 Guardianship data collection and transparency.-

9 (1) (a) On or after July 1, 2023, the Florida Clerks of
10 Court Operations Corporation and the clerks of court shall



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11 establish a statewide database of guardianship information to
12 facilitate improving court oversight of guardianship cases. The
13 database must meet interoperability standards defined by the
14 Florida Courts Technology Commission, such that each circuit
15 court can easily access the data for regular use in judicial
16 proceedings under this chapter. The database must include, at a
17 minimum, all of the following:

18 1. The status of each professional guardian's bond and
19 registration data.

20 2. Substantiated disciplinary data of each professional
21 guardian provided by the Office of Public and Professional
22 Guardians and the grounds for such discipline.

23 3. Information regarding the status of each guardian's
24 compliance with the statutory qualifications for guardianship.

25 4. The status of statutorily required annual registrations
26 for the professional guardian as required by s. 744.2002(2) and
27 the status of reports and submissions statutorily required under
28 chapter 744.

29 5. The number of wards served by each guardian, by ward
30 county of residence.

31 (b) The database must be searchable by, at a minimum, the
32 name of the petitioner, ward, guardian, guardian advocate, and
33 legal counsel for all parties; the demographic information of
34 the ward; the guardian's location; the name of the judge and
35 circuit in which the case is brought; and the number of wards
36 served by each guardian, by ward county of residence. The
37 database must have the ability to generate statewide and
38 circuit-level statistical data to provide assistance to the
39 courts.



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40 (c) The database established under this subsection must be
41 accessible only by members of the judiciary and their direct
42 staff. The database must restrict access to that information
43 needed to perform an individual court personnel's duties, but in
44 no way restrict access by judges and magistrates.

45 (2) On or after July 1, 2023, the Florida Clerks of Court
46 Operations Corporation shall also establish a publicly
47 accessible webpage to facilitate improving transparency of
48 guardianship cases to the public.

49 (a) The Florida Clerks of Court Operations Corporation must
50 generate monthly reports of statewide, circuit-level, and
51 county-level statistical data to provide assistance to the
52 courts and the Department of Elderly Affairs, and transparency
53 to the public and policymakers, regarding the state's
54 guardianship system. Such data reports must include only
55 aggregated and deidentified data and must be published on the
56 webpage established under this subsection.

57 (b) The webpage established under this subsection must
58 include a database that is accessible to and searchable by the
59 public. The database must be searchable by the name of a
60 professional guardian to view current data regarding the number
61 of wards served by that guardian, the counties of residence of
62 such wards, and whether the wards are under limited or plenary
63 guardianships. Such search may not allow access to personal
64 identifying information of wards.

65 (3) The Office of Public and Professional Guardians is
66 directed to share professional guardian registration and
67 disciplinary action data for the purposes of this section.

68 (4) In addition to the reports required under paragraph



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69 (2) (a), the Florida Clerks of Court Operations Corporation must
70 also generate reports using information in the databases
71 established under subsection (1) or subsection (2) at the
72 request of the Legislature, the judiciary, or the Department of
73 Elderly Affairs.

74 (5) (a) By January 1, 2023, the Florida Clerks of Court
75 Operations Corporation must provide the President of the Senate
76 and the Speaker of the House of Representatives with a proposed
77 list of specific data elements for inclusion in a database
78 established pursuant to subsection (1) for regular judicial use.
79 Additionally, the Florida Clerks of Court Operations Corporation
80 must provide a proposed list of relevant data elements that may
81 be considered for inclusion, in addition to those enumerated in
82 paragraph (2) (b), in a publicly accessible and searchable
83 database to be used for providing enhanced transparency of the
84 state's guardianship cases to the public. Any data elements
85 recommended for inclusion in the publicly searchable database
86 must be established in a manner that ensures confidentiality of
87 ward information.

88 (b) To develop the proposed lists of data points, the
89 Florida Clerks of Court Operations Corporation shall engage with
90 stakeholders, including, but not limited to, judicial officers
91 and magistrates who handle guardianship and probate matters; the
92 Florida State Guardianship Association; the Elder Law Section of
93 The Florida Bar; the Real Property, Probate, and Trust Law
94 Section of The Florida Bar; and the Department of Elderly
95 Affairs, to obtain feedback for use in the development of
96 specific data elements for any databases established in
97 accordance with this section. The Florida Clerks of Court



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98 Operations Corporation must collaborate with the Office of the
99 State Courts Administrator and the clerks of the court through
100 the Florida Courts Technology Commission to implement the data
101 elements and databases to achieve interoperability.

102 (6) (a) Beginning July 1, 2024, and annually thereafter
103 through July 1, 2027, the Florida Clerks of Court Operations
104 Corporation shall compile data maintained in the database that
105 has been collected from the clerks of court and the Department
106 of Elderly Affairs and submit such data to the Office of Program
107 Policy Analysis and Government Accountability (OPPAGA).

108 (b) OPPAGA shall analyze the consolidated data compiled in
109 accordance with paragraph (a) to evaluate trends in the use of
110 guardianships in this state and conduct a comparative analysis
111 of guardianship laws in other states. In conducting the
112 analysis, OPPAGA shall consult with the Office of State Courts
113 Administrator, the Clerks of Court Operations Corporation, the
114 clerks of the court, and the Department of Elderly Affairs.
115 OPPAGA shall submit a report containing findings and
116 recommendations to the Governor, the President of the Senate,
117 and the Speaker of the House of Representatives by October 15,
118 2024, and annually thereafter through October 15, 2027.

119 (c) The data compiled and reported under paragraphs (a) and
120 (b) must be produced in a statewide, circuit-level, and county-
121 level statistical format. Such reports must include only
122 aggregated and deidentified data. Further, the reports provided
123 under paragraphs (a) and (b) may not contain personal
124 identifying information of wards.

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



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127 744.2001 Office of Public and Professional Guardians.—There
128 is created the Office of Public and Professional Guardians
129 within the Department of Elderly Affairs.

130 (7) The Office of Public and Professional Guardians shall
131 publish on its website a profile of each registered professional
132 guardian. The profiles must be accessible and searchable by the
133 public and must include, at a minimum, the guardian's name and
134 business address, whether the guardian meets the education and
135 bonding requirements under s. 744.2003, the number and type of
136 substantiated complaints against the professional guardian, and
137 any disciplinary actions taken by the Department of Elderly
138 Affairs against the guardian. The Department of Elderly Affairs
139 may adopt rules necessary to implement this subsection.

140 Section 3. For the 2022-2023 fiscal year, the sum of
141 \$2,400,000 in nonrecurring funds is appropriated from the
142 General Revenue Fund to the Justice Administrative Commission
143 for distribution to the Florida Clerks of Court Operations
144 Corporation for the purpose of implementing this act.

145 Section 4. For the 2022-2023 fiscal year, the sums of
146 \$40,000 in recurring funds and \$300,000 in nonrecurring funds
147 are appropriated from the General Revenue Fund to the Department
148 of Elderly Affairs for the purpose of implementing this act.

149 Section 5. This act shall take effect July 1, 2022.

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

151 And the title is amended as follows:

152 Delete everything before the enacting clause
153 and insert:

154 A bill to be entitled

155 An act relating to guardianship data transparency;



156 creating s. 744.2112, F.S.; requiring the Florida
157 Clerks of Court Operations Corporation and the clerks
158 of court to establish a statewide database of
159 guardianship data on or after a certain date;
160 specifying requirements for the database; specifying
161 database access restrictions; requiring the
162 corporation and clerks of court to establish a webpage
163 for certain purposes on or after a specified date;
164 requiring the corporation to generate certain monthly
165 reports; requiring that the webpage include a database
166 meeting certain requirements; requiring the Office of
167 Public and Professional Guardians to share certain
168 data; requiring the corporation to generate certain
169 reports at the request of certain entities; requiring
170 the corporation to provide the Legislature with
171 certain lists by a specified date; providing
172 requirements for the corporation in developing such
173 lists and in implementing data elements and databases;
174 requiring the corporation to annually compile and
175 submit certain data to the Office of Program Policy
176 Analysis and Government Accountability (OPPAGA);
177 requiring OPPAGA to conduct a certain analysis and
178 submit annual reports to the Governor and the
179 Legislature; specifying requirements for certain data
180 and reports; amending s. 744.2001, F.S.; requiring the
181 Office of Public and Professional Guardians to publish
182 profiles of registered professional guardians on its
183 website; specifying requirements for the profiles;
184 authorizing the Department of Elderly Affairs to adopt



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rules; providing appropriations; providing an
effective date.