

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services  
 2 Committee

3 Representative Chaney offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 744.2112 Guardianship information and transparency.--

10 (1) On or after July 1, 2023, the Florida Clerks of Court  
 11 Operations Corporation and the clerks of court shall establish a  
 12 statewide database of guardian and guardianship case information  
 13 to facilitate improving court oversight of guardianship cases.  
 14 The database must meet interoperability standards defined by the  
 15 Florida Courts Technology Commission such that each circuit  
 16 court can easily access the data for regular use in judicial

Amendment No. 1

17 proceedings under this chapter. The database must include, at a  
18 minimum, the following:

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

20 (b) The disciplinary data of each professional guardian.

21 (c) The status of each guardian's compliance with the  
22 statutory qualifications for guardianship under s. 744.2003 or  
23 s. 744.3145.

24 (d) The status of statutorily required reports and  
25 submissions pursuant to s. 744.362, s. 744.363, s. 744.365, s.  
26 744.367, and s. 744.3678.

27 (e) The number of wards served by each guardian, by ward  
28 county of residence.

29 (2)(a) Except as provided under paragraph (3)(b), the  
30 database shall only be accessible by judges, judicial staff, and  
31 the clerks of court. The database must restrict access to that  
32 information needed to perform an individual's duties, but in no  
33 way restrict access by judges and magistrates.

34 (b) The database must be searchable by, at a minimum, the  
35 name of the petitioner, ward, guardian, other parties to a case,  
36 and legal counsel for all parties; the demographic information  
37 of the ward; the guardian's office location; and the judge.

38 (3)(a) The Florida Clerks of Court Operations Corporation  
39 must generate monthly reports of statewide, circuit-level, and  
40 county-level statistical data to provide assistance to the  
41 courts and the Department of Elderly Affairs, and transparency

017449 - h1349-strike.docx

Published On: 2/27/2022 4:54:07 PM

Amendment No. 1

42 to the public and policy makers regarding the state's  
43 guardianship system. Such data reports must only include  
44 aggregated and deidentified data. The Department of Elderly  
45 Affairs must publish these monthly reports on its website.

46 (b) The database must also allow the public to search by  
47 the name of a professional guardian to view current data  
48 regarding the number of wards served by that guardian, the  
49 counties of residence of such wards, and whether the wards are  
50 under limited or plenary guardianships. Such search must not  
51 allow access to personal identifying information of wards.

52 (c) The Clerks of Court Operations Corporation must also  
53 generate reports using information in the database at the  
54 request of the legislature, judiciary, or the Department of  
55 Elderly Affairs.

56 (4) The Office of Public and Professional Guardians is  
57 directed to share professional guardian registration and  
58 disciplinary action data for the purposes of this section.

59 (5)(a) Beginning July 1, 2024, and annually thereafter  
60 through July 1, 2027, the Florida Clerks of Court Operation  
61 Corporation shall compile and report data maintained in the  
62 database that has been collected from the clerks of court and  
63 the department and submit such data to the Office of Program  
64 Policy Analysis and Governmental Accountability (OPPAGA).

65 (b) The OPPAGA must analyze the consolidated data compiled  
66 in accordance with paragraph (a) to evaluate trends in the use

017449 - h1349-strike.docx

Published On: 2/27/2022 4:54:07 PM

Amendment No. 1

67 of guardianships in this state and conduct a comparative  
68 analysis of guardianship laws in other states. In conducting the  
69 report, the OPPAGA shall consult with the Office of State Courts  
70 Administration, the Florida Clerks of Court Operation  
71 Corporation, the clerks of the court, and the department. The  
72 OPPAGA shall submit a report containing findings and  
73 recommendations to the Governor, the President of the Senate,  
74 the Speaker of the House of Representatives by October 15, 2024,  
75 and annually thereafter through October 15, 2027.

76 (c) The data compiled and reported under paragraphs (a) and  
77 (b) must be produced in a statewide, circuit-level, and county-  
78 level statistical format. Such reports must only include  
79 aggregated and deidentified data. Further, the reports provided  
80 under paragraphs (a) and (b) must not contain personal  
81 identifying information of wards.

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

84 744.2001 Office of Public and Professional Guardians.—  
85 There is created the Office of Public and Professional Guardians  
86 within the Department of Elderly Affairs.

87 (7) The Office of Public and Professional Guardians shall  
88 publish a profile of each registered professional guardian on  
89 its website. The profiles must be accessible and searchable by  
90 the public and must include, at a minimum, the guardian's name,  
91 business address, whether the guardian meets the education and  
92 bonding requirements under s. 744.2003, the number and type of

017449 - h1349-strike.docx

Published On: 2/27/2022 4:54:07 PM

Amendment No. 1

93 substantiated complaints against the professional guardian, and  
94 any disciplinary actions taken by the Department of Elderly  
95 Affairs against the guardian. The Department of Elderly Affairs  
96 may adopt rules necessary to implement the provisions of this  
97 subsection.

98 Section 3. For the 2022-2023 fiscal year, the sum of  
99 \$2,400,000 in nonrecurring funds is appropriated from the  
100 General Revenue Fund to the Justice Administrative Commission  
101 for distribution to the Florida Clerks of Court Operations  
102 Corporation for the purpose of implementing this act.

103 Section 4. For the 2022-2023 fiscal year, the sums of  
104 \$40,000 in recurring funds and \$300,000 in nonrecurring funds  
105 are appropriated from the General Revenue Fund to the Department  
106 of Elderly Affairs for the purpose of implementing this act.

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

108  
109 -----

110 **T I T L E A M E N D M E N T**

111 Remove everything before the enacting clause and insert:

112 An act relating to guardianship data transparency; creating  
113 s. 744.2112, F.S.; requiring the Florida Clerks of Court  
114 Operations Corporation and the clerks of court to establish a  
115 statewide database of guardianship data; requiring the database  
116 to meet certain interoperability standards and be easily  
117 accessible for each circuit court; requiring the database to

Amendment No. 1

118 contain certain information; requiring the Office of Public and  
119 Professional Guardians to provide certain data for use in the  
120 database; requiring the database to be searchable in specified  
121 ways; requiring the Clerks of Court Operations Corporation to  
122 generate certain statistical data reports; requiring the  
123 Department of Elderly Affairs to publish the statistical reports  
124 each month on its website; requiring the database to allow the  
125 public to search the database for certain information; requiring  
126 the Office of Program Policy Analysis and Governmental  
127 Accountability to analyze data and prepare reports containing  
128 certain information; requiring the reports be provided annually  
129 to the Governor, the President of the Senate, and the Speaker of  
130 the House of Representatives by a certain date; prohibiting the  
131 reports from containing certain information; amending s.  
132 744.2001, F.S.; requiring the Office of Public and Professional  
133 Guardians to publish online profiles of registered professional  
134 guardians; requiring the online profiles to contain certain  
135 information; providing appropriations; providing an effective  
136 date.