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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AE/2R	.	Floor: C
03/07/2022 08:07 PM	.	03/10/2022 12:42 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



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.



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