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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/28/2022	.	
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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



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.