



483144

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/28/2022	.	
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The Committee on Appropriations (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

744.2112 Guardianship Data Collection and transparency.-

(1) (a) On or after July 1, 2023, the Florida Clerks of  
Court Operations Corporation and the clerks of court shall  
establish a statewide database of guardianship information that



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11 shall be accessible to and searchable by the courts 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. The database must include, at a minimum, all of the  
17 following:

18 1. The status of each professional guardian's bond,  
19 registration data, substantiated disciplinary history provided  
20 by the Office of Public and Professional Guardians, and the  
21 grounds that constitute the misconduct leading to the  
22 discipline.

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

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

29 (b) The database must be searchable by, at a minimum, the  
30 name of the petitioner, ward, guardian, guardian advocate, legal  
31 counsel for all parties, and other parties to a case; the  
32 demographic information of the ward; the guardian's location;  
33 and the name of the judge and circuit in which the case is  
34 brought. The database must have the ability to generate  
35 statewide and circuit-level statistical data to provide  
36 assistance to the courts. The Office of Public and Professional  
37 Guardians is directed to share professional guardian  
38 registration and substantiated disciplinary data with the  
39 Florida Clerks of Court Operations Corporation for the purposes



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40 of inclusion in the database pursuant to this subsection.

41 (2) On or after July 1, 2023, the Office of Public and  
42 Professional Guardians shall publish a profile of each  
43 registered professional guardian on its website. The profiles  
44 must be accessible to and searchable by the public and must  
45 include, at a minimum, the information submitted to the Office  
46 of Public and Professional Guardians under section 744.2002,  
47 whether any complaints against the professional guardian have  
48 been substantiated, and any disciplinary actions taken by the  
49 Department of Elderly Affairs. The department may adopt rules to  
50 implement the provisions of this subsection.

51 (3) (a) Beginning July 1, 2024, and annually thereafter  
52 through July 1, 2027, the Florida Clerks of Court Operation  
53 Corporation shall compile and report data maintained in the  
54 database that has been collected from the clerks of court and  
55 the department and submit such data to the Office of Program  
56 Policy Analysis and Governmental Accountability (OPPAGA).

57 (b) The OPPAGA must analyze the consolidated data compiled  
58 in accordance with paragraph (a) to evaluate trends in the use  
59 and effectiveness of guardianships in this state and conduct a  
60 comparative analysis of guardianship laws in other states. In  
61 conducting the report, the OPPAGA shall consult with the Office  
62 of State Courts Administration, the Florida Clerks of Court  
63 Operation Corporation, the clerks of the court, and the  
64 department. The OPPAGA shall submit a report containing findings  
65 and recommendations to the Governor, the President of the  
66 Senate, the Speaker of the House of Representatives by October  
67 15, 2024, and annually thereafter through October 15, 2027.

68 (c) The reports provided under paragraphs (a) and (b) must



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69 not contain personal identifying information of wards.

70 Section 2. For the 2022-2023 fiscal year, the sum of  
71 \$2,400,000 in nonrecurring funds is appropriated from the  
72 General Revenue Fund to the Justice Administrative Commission  
73 for distribution to the Florida Clerks of Court Operations  
74 Corporation for the purpose of implementing this act.

75 Section 3. For the 2022-2023 fiscal year, the sums of  
76 \$40,000 in recurring funds and \$300,000 in nonrecurring funds  
77 are appropriated from the General Revenue Fund to the Department  
78 of Elderly Affairs for the purpose of implementing this act.

79 Section 4. This act shall take effect July 1, 2022.

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

81 And the title is amended as follows:

82 Delete everything before the enacting clause  
83 and insert:

84 A bill to be entitled

85 An act relating to guardianship data transparency;  
86 creating s. 744.2112, F.S.; requiring the Florida  
87 Clerks of Court Operations Corporation and the clerks  
88 of court to establish a statewide database of  
89 guardianship data on or after a certain date;  
90 requiring the database to meet certain  
91 interoperability standards; requiring the database to  
92 contain certain information; limiting access to the  
93 database to certain persons; requiring the Office of  
94 Public and Professional Guardians to provide certain  
95 data for use in the database; requiring the database  
96 to be searchable in specified ways; requiring the  
97 database to be able to generate certain statistical



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98 data; requiring the Office of Public and Professional  
99 Guardians to publish online profiles of registered  
100 professional guardians on or after a certain date;  
101 requiring the online profiles to contain certain  
102 information; requiring the profiles to be accessible  
103 to and searchable by the public; requiring the  
104 profiles to include certain information; providing  
105 rulemaking authority; requiring the Florida Clerks of  
106 Court Operations Corporation and clerks of court to  
107 analyze and compile data by a certain date; requiring  
108 the Office of Program Policy Analysis and Governmental  
109 Accountability to analyze data and prepare reports  
110 containing certain information; requiring the reports  
111 be provided annually to the Governor, the President of  
112 the Senate, and the Speaker of the House of  
113 Representatives by a certain date; prohibiting the  
114 reports from containing certain information; providing  
115 appropriations; providing an effective date.