



FLORIDA STATE GUARDIANSHIP ASSOCIATION

P.O. BOX 1185 • PALM CITY, FLORIDA 34991

PHONE (772) 266.4614

www.floridaguardians.com

February 1, 2022

The Florida State Guardianship Association offers the following formal position regarding **general data collection** proposed by Florida's Clerks with **CS/SB 1710** and **CS/HB 1349**:

- FSGA is not opposed to the collection of data for developing a comprehensive database regarding guardianship. All the data and information is already within the possession of the Clerks and/or the Department of Elder Affairs, and much of which is routinely provided by private and public guardians with each court filing, and with every court order entered.
- The current legislation is however very problematic in many respects:
 - It is extremely open-ended,
 - lacks adequate identification of the specific data to be in the database,
 - does not identify who will have access,
 - or how it will be protected.
 - In particular the legislation does not address privacy and sensitive confidentiality issues of all those concerned. For example, it neglects legal protections in s. 744.3215, F.S.
- Further, the legislation provides little if any oversight of this "database" process by the courts, and seemingly none by the Legislature.
 - There is no provision for any of this to come back to the Legislature for approval let alone review.
 - Simply put there are no guardrails.
- The Clerks own task force report states on page 32:
"Recommendations on exactly what guardianship information is collected, how it is collected, how it is maintained, and what may be publicly accessible, was beyond the ability of this Task Force to conclude because of its limited time and resources."
- FSGA is confident that objective data gathering will indeed bear out what the U.S. Senate Special Committee on Aging (in 2018) stated:
"Most guardians are selfless, dedicated individuals who play an important role in safeguarding vulnerable individuals."

The Florida State Guardianship Association has a long track record of working with all stakeholders and making tangible improvements in elevating ethical guardianship practices. We look forward to continuing working closely with everyone.