

CHAPTER 2022-218

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 1349

An act relating to guardianship data transparency; creating s. 744.2112, F.S.; requiring the Florida Clerks of Court Operations Corporation and the clerks of court to establish a statewide database of guardianship data; providing requirements for the database; specifying restrictions on accessing the database; specifying duties of the corporation relating to uploading certain database information to a certain website and generating and publishing certain reports; providing requirements for the website; requiring the Office of Public and Professional Guardians to share certain data; requiring the corporation to compile and report certain data to the Office of Program Policy Analysis and Government Accountability (OPPAGA) at specified intervals; requiring certain data to be produced in a certain format; requiring OPPAGA to analyze data and prepare reports containing certain information; requiring such reports to be provided to the Governor and the Legislature at specified intervals; providing requirements and prohibitions of such reports; amending s. 744.2001, F.S.; requiring the office to publish online profiles of registered professional guardians on or before a certain date; requiring the online profiles to contain certain information; prohibiting the Department of Elderly Affairs from populating the profiles with certain information; authorizing the department to adopt rules; providing appropriations; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

744.2112 Guardianship information and transparency.—

(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 court can easily access the information for regular use in judicial proceedings under this chapter. The database must include, at a minimum, the following:

- (a) The registration status of each professional guardian.
- (b) The substantiated disciplinary history of each professional guardian.
- (c) The status of each guardian's compliance with the statutory qualifications for guardianship under s. 744.2003 or s. 744.3145.

(d) The status of statutorily required reports and submissions under chapter 744.

(2)(a) Except as provided under paragraph (3)(b), the database shall be accessible only by members of the judiciary, their direct staff, and court personnel and clerks of court personnel authorized by a judge to assist with guardianship matters. The database must restrict access to the information necessary to perform such individual's duties, but in no way restrict access by judges or magistrates.

(b) The database must be searchable by, at a minimum, the name of the petitioner, ward, guardian, and legal counsel for all parties; the demographic information of the ward; the location of the guardian's office; the name of the judge and the circuit in which the case is brought; and the number of wards served by each guardian, by ward county of residence.

(3) The Florida Clerks of Court Operations Corporation shall:

(a) Upload certain professional guardian information from the database to a webpage accessible to the general public in a searchable format. Such professional guardian information must be limited to the names of professional guardians and current data regarding the number of wards served by each guardian, the counties of residence of such wards and the number of wards residing in each county, and whether the wards are under limited or plenary guardianships. Personal identifying information of wards may not be included in the data that is searchable under this paragraph.

(b) Generate monthly reports of statewide, circuit-level, and county-level statistical data to provide assistance to the courts and the Department of Elderly Affairs and to provide transparency to the public and the Legislature regarding the state's guardianship system. The monthly reports shall include only aggregated and deidentified data. The Florida Clerks of Court Operations Corporation shall publish the statistical data reports monthly on the webpage under paragraph (a).

(c) Generate reports using information in the database at the request of the Legislature, the judiciary, or the Department of Elderly Affairs.

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

(5)(a) Beginning July 1, 2024, and annually thereafter through July 1, 2027, the Florida Clerks of Court Operations Corporation must compile and report data collected by the clerks of court and the Department of Elderly Affairs and maintained in the database to the Office of Program Policy Analysis and Government Accountability (OPPAGA).

(b) OPPAGA must analyze the consolidated data compiled in accordance with paragraph (a) to evaluate trends in the use of guardianships in this state and to conduct a comparative analysis of guardianship laws in other

states. OPPAGA must consult with the Office of the State Courts Administrator, the Florida Clerks of Court Operations Corporation, the clerks of court, and the Department of Elderly Affairs during its analysis. OPPAGA shall submit a report containing its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 15, 2024, and annually thereafter through October 15, 2027.

(c) The data compiled and used for the reports required under this subsection must be produced in a statewide, circuit-level, and county-level statistical format. Such reports must include only aggregated and deidentified data and may not contain personal identifying information of wards.

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

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

(7)(a) On or before July 1, 2023, the Office of Public and Professional Guardians shall publish on its website a profile of each registered professional guardian. The profiles must be accessible and searchable by the public and must include, at a minimum, the following information:

- 1. The guardian’s name and business address.
- 2. Whether the guardian meets the education and bonding requirements under s. 744.2003.
- 3. The number and type of substantiated complaints against the guardian.
- 4. Any disciplinary actions taken by the Department of Elderly Affairs against the guardian.

(b) The Department of Elderly Affairs may not populate the professional guardian profiles with information from the database established in s. 744.2112.

(c) The Department of Elderly Affairs may adopt rules necessary to implement this subsection.

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

Section 4. For the 2022-2023 fiscal year, the sums of \$40,000 in recurring funds and \$300,000 in nonrecurring funds are appropriated from the

General Revenue Fund to the Department of Elderly Affairs for the purpose of implementing this act.

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

Approved by the Governor June 24, 2022.

Filed in Office Secretary of State June 24, 2022.