

1 A bill to be entitled
2 An act relating to guardianship data transparency;
3 creating s. 744.2112, F.S.; requiring the Florida
4 Clerks of Court Operations Corporation and the clerks
5 of court to establish a statewide database of
6 guardianship data; providing requirements for the
7 database; requiring the Florida Clerks of Court
8 Operations Corporation to generate certain monthly
9 statistical data reports with certain information;
10 requiring the Department of Elderly Affairs to publish
11 such reports on its website; requiring the database to
12 be searchable by the public for certain information;
13 prohibiting certain information from being accessible
14 to the public in the database; requiring the Florida
15 Clerks of Court Operations Corporation to generate
16 certain reports at the request of certain entities;
17 requiring the Office Public and Professional Guardians
18 to share certain data; requiring the Florida Clerks of
19 Court Operations Corporation to compile and report
20 certain data to the Office of Program Policy Analysis
21 and Governmental Accountability starting on a
22 specified date and annually thereafter until a date
23 certain; requiring certain data to be produced in a
24 certain format; requiring the Office of Program Policy
25 Analysis and Governmental Accountability to analyze

26 data and prepare reports containing certain
 27 information; requiring such reports be provided to the
 28 Governor and the Legislature by a date certain and
 29 annually thereafter until a date certain; providing
 30 requirements and prohibitions of such reports;
 31 amending s. 744.2001, F.S.; requiring the Office of
 32 Public and Professional Guardians to publish online
 33 profiles of registered professional guardians;
 34 requiring the online profiles to contain certain
 35 information; providing appropriations; providing an
 36 effective date.

37
 38 Be It Enacted by the Legislature of the State of Florida:

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

42 744.2112 Guardianship information and transparency.—

43 (1) On or after July 1, 2023, the Florida Clerks of Court
 44 Operations Corporation and the clerks of court shall establish a
 45 statewide database of guardian and guardianship case information
 46 to facilitate improving court oversight of guardianship cases.
 47 The database must meet interoperability standards defined by the
 48 Florida Courts Technology Commission so that each circuit court
 49 can easily access the information for regular use in judicial
 50 proceedings under this chapter. The database must include, at a

51 minimum, the following:

52 (a) The registration status of each professional guardian.

53 (b) The disciplinary history of each professional
54 guardian.

55 (c) The status of each guardian's compliance with the
56 statutory qualifications for guardianship under s. 744.2003 or
57 s. 744.3145.

58 (d) The status of statutorily required reports and
59 submissions under ss. 744.362, 744.363, 744.365, 744.367, and
60 744.3678.

61 (e) The number of wards served by each guardian, by the
62 ward's county of residence.

63 (2)(a) Except as provided under paragraph (3)(b), the
64 database shall only be accessible to judges, magistrates,
65 judicial staff, and the clerks of court. The database must
66 restrict access to the information necessary to perform such
67 individual's duties, but in no way restrict access by judges or
68 magistrates.

69 (b) The database must be searchable by, at a minimum, the
70 name of the petitioner, ward, guardian, other parties to the
71 case, and legal counsel for all parties; the demographic
72 information of the ward; the location of the guardian's office;
73 and the judge.

74 (3)(a) The Florida Clerks of Court Operations Corporation
75 must generate monthly reports of statewide, circuit-level, and

76 county-level statistical data to provide assistance to the
77 courts and the Department of Elderly Affairs and to provide
78 transparency to the public and the Legislature regarding the
79 state's guardianship system. The monthly reports shall only
80 include aggregated and deidentified data. The Department of
81 Elderly Affairs must publish the statistical data reports
82 monthly on its website.

83 (b) The database must allow the public to search by the
84 name of a professional guardian and view current data regarding
85 the number of wards served by that guardian, the counties of
86 residence of such wards, and whether the wards are under limited
87 or plenary guardianships. The database may not allow the public
88 to access personal identifying information of wards.

89 (c) The Florida Clerks of Court Operations Corporation
90 must generate reports using information in the database at the
91 request of the Legislature, the judiciary, or the Department of
92 Elderly Affairs.

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

97 (5)(a) Beginning July 1, 2024, and annually thereafter
98 through July 1, 2027, the Florida Clerks of Court Operations
99 Corporation must compile and report data collected by the clerks
100 of court and the Department of Elderly Affairs and maintained in

101 the database to the Office of Program Policy Analysis and
 102 Governmental Accountability (OPPAGA).

103 (b) OPPAGA must analyze the consolidated data compiled in
 104 accordance with paragraph (a) to evaluate trends in the use of
 105 guardianships in the state and to conduct a comparative analysis
 106 of guardianship laws in other states. OPPAGA must consult with
 107 the Office of the State Courts Administrator, the Florida Clerks
 108 of Court Operations Corporation, the clerks of court, and the
 109 Department of Elderly Affairs during its analysis. OPPAGA shall
 110 submit a report containing its findings and recommendations to
 111 the Governor, the President of the Senate, and the Speaker of
 112 the House of Representatives by October 15, 2024, and annually
 113 thereafter through October 15, 2027.

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

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

121 744.2001 Office of Public and Professional Guardians.—
 122 There is created the Office of Public and Professional Guardians
 123 within the Department of Elderly Affairs.

124 (7) (a) The Office of Public and Professional Guardians
 125 shall publish on its website a profile of each registered

126 professional guardian. The profiles must be accessible and
127 searchable by the public and must include, at a minimum, the
128 following information:

129 1. The guardian's name and business address.

130 2. Whether the guardian meets the education and bonding
131 requirements under s. 744.2003.

132 3. The number and type of substantiated complaints against
133 the guardian.

134 4. Any disciplinary actions taken by the Department of
135 Elderly Affairs against the guardian.

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

138 Section 3. For the 2022-2023 fiscal year, the sum of
139 \$2,400,000 in nonrecurring funds is appropriated from the
140 General Revenue Fund to the Justice Administrative Commission
141 for distribution to the Florida Clerks of Court Operations
142 Corporation for the purpose of implementing this act.

143 Section 4. For the 2022-2023 fiscal year, the sums of
144 \$40,000 in recurring funds and \$300,000 in nonrecurring funds
145 are appropriated from the General Revenue Fund to the Department
146 of Elderly Affairs for the purpose of implementing this act.

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