

Committee on Children, Families, and Elder Affairs

CS/CS/CS/HB 1349 — Guardianship Data Transparency

by Health and Human Services Committee; Appropriations Committee; Children, Families and Seniors Subcommittee; and Rep. Chaney and others (CS/CS/SB 1710 by Rules Committee; Children, Families, and Elder Affairs Committee; and Senators Bradley, Brandes, and Brodeur)

The bill requires the Florida Clerks of Court Operations Corporation (CCOC) and the Clerks of Court to establish a database of guardian and guardianship information. Specifically, the bill:

- Requires the CCOC to create a statewide database to increase judicial oversight that may not be operational to end users until on or after July 1, 2023, and limits access to the database to judges and their direct staff, and court personnel and Clerks of Court personnel authorized by a judge to assist with guardianship matters.
- Provides an enumerated list of data elements that must, at a minimum, be included and list of data elements by which the database must, at a minimum, be searchable.
- Requires the CCOC to upload certain professional guardian information from the database to a publicly accessible webpage and prohibits personal identifying information of wards from inclusion in the publicly accessible webpage.
- Requires the CCOC to generate monthly reports of statewide, circuit-level, and county-level statistical data, including only aggregated and deidentified data, and to publish the reports on the publicly accessible webpage.
- Requires the CCOC to generate other reports from information in the database at the request of the Legislature, the judiciary, or the Department of Elderly Affairs (DOEA).
- Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a comparative analysis and to study trends in the use of Florida's guardianship system and provide an annual report to the Governor and the Legislature beginning in 2024 through 2027.
- Requires the DOEA to publish profiles of professional guardians on their webpage on or before July 1, 2023 and prohibits the DOEA from including information from the CCOC database in professional guardian profiles published on the DOEA website.
- Appropriates the CCOC \$2.4 million nonrecurring General Revenue to develop the database and the DOEA \$340,000 from General Revenue, of which \$300,000 is nonrecurring and \$40,000 is recurring, to implement the provisions of the bill.

The bill is anticipated to have a significant negative fiscal impact on the CCOC and the Clerks of Court due to the cost of creating and maintaining the database. Additionally, the bill will likely have an indeterminate negative fiscal impact on the DOEA related to the transmission of data for inclusion in the database and from publishing professional guardian profiles on their website.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 35-0; House 117-0