

Bill No. SB 1958

Barcode 631288

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Aronberg) recommended the following amendment:

**Senate Amendment**

On page 17, line 2, through  
page 19, line 16, delete those lines

and insert: Investigation or the Department of Law Enforcement for the criminal background investigation. The agency that operates the equipment used by the guardian may charge the guardian an additional fee, not to exceed \$10, for the use of the equipment. The agency completing the investigation must immediately send the results of the criminal background investigation to the clerk of the court and the Statewide Public Guardianship Office. The clerk of the court shall maintain the results in the guardian's file and shall make the results available to the court; or

(b) A criminal background investigation using a fingerprint card. The clerk of the court shall obtain fingerprint cards from the Federal Bureau of Investigation and make them available to guardians. Any guardian who is so

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1 required shall have his or her fingerprints taken and forward  
2 the proper fingerprint card along with the necessary fee to  
3 the Florida Department of Law Enforcement for processing. ~~The~~  
4 ~~professional guardian shall pay to the clerk of the court a~~  
5 ~~fee of up to \$7.50 for handling and processing professional~~  
6 ~~guardian files.~~ The results of the fingerprint card background  
7 investigations checks shall be forwarded to the clerk of the  
8 court who shall maintain the results in the guardian's a  
9 guardian file and ~~shall~~ make the results available to the  
10 court and the Statewide Public Guardianship Office.

11 (3)(a) A professional guardian, and each employee of a  
12 professional guardian who has a fiduciary responsibility to a  
13 ward, must complete, at his or her own expense, a level 2  
14 background screening as set forth in s. 435.04, before and at  
15 least once every 5 years after the date the guardian is  
16 appointed. A professional guardian, and each employee of a  
17 professional guardian who has a fiduciary responsibility to a  
18 ward, must complete, at his or her own expense, a level 1  
19 background screening as set forth in s. 435.03, at least once  
20 every 2 years after the date the guardian is appointed.  
21 However, a person is not required to resubmit fingerprints for  
22 a criminal background investigation if he or she has been  
23 screened using inkless electronic fingerprinting equipment  
24 that is capable of notifying the clerk of the court of any  
25 crime charged against the person in the State of Florida or  
26 elsewhere as appropriate.

27 (b) Effective December 15, 2005, all fingerprints  
28 electronically submitted to the Department of Law Enforcement  
29 under this section shall be retained by the Department of Law  
30 Enforcement in a manner provided by rule and entered in the  
31 statewide automated fingerprint identification system

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1 authorized by s. 943.05(2)(b). The fingerprints shall  
 2 thereafter be available for all purposes and uses authorized  
 3 for arrest fingerprint cards entered in the statewide  
 4 automated fingerprint identification system under s. 943.051.

5 (c) Effective December 15, 2005, the Department of Law  
 6 Enforcement shall search all arrest fingerprint cards received  
 7 under s. 943.051 against the fingerprints retained in the  
 8 statewide automated fingerprint identification system under  
 9 paragraph (b). Any arrest record that is identified with the  
 10 fingerprints of a person described in this paragraph must be  
 11 reported as soon as possible to the clerk of court. The clerk  
 12 of court must forward any arrest record received for a  
 13 professional guardian to the Statewide Public Guardianship  
 14 Office within 5 days. Each guardian who elects to undergo an  
 15 inkless electronic background investigation shall participate  
 16 in this search process by paying an annual fee to the clerk of  
 17 court and by informing the clerk of court of any change in the  
 18 status of his or her guardianship appointment. The amount of  
 19 the annual fee to be imposed upon each clerk of court for  
 20 performing these searches and the procedures for the retention  
 21 of guardian fingerprints and the dissemination of search  
 22 results shall be established by rule of the Department of Law  
 23 Enforcement. The fee may be borne by the clerk of court or the  
 24 guardian, but may not exceed \$10.

25 (4)(a) A professional guardian, and each employee of a  
 26 professional guardian who has a fiduciary responsibility to a  
 27 ward, must complete, at the person's own expense, an  
 28 investigation of the credit history of the person before and  
 29 at least once every 2 years after the date of the guardian's  
 30 appointment.

31 (b) The Statewide Public Guardianship Office shall

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1 adopt a rule detailing the acceptable methods for completing a  
 2 credit investigation under this section. If appropriate, the  
 3 Statewide Public Guardianship Office may administer credit  
 4 investigations. If the office chooses to administer the credit  
 5 investigation, the office may adopt a rule setting a fee, not  
 6 to exceed \$25, to reimburse the costs associated with the  
 7 administration of a credit investigation.

8 (5) The Statewide Public Guardianship Office may  
 9 inspect at any time the results of any credit or criminal  
 10 investigation of a public or professional guardian conducted  
 11 under this section. The office shall maintain copies of the  
 12 credit or criminal results in the guardian's registration  
 13 file. If the results of a credit or criminal investigation of  
 14 a public or professional guardian have not been forwarded to  
 15 the Statewide Public Guardianship Office by the investigating  
 16 agency, the clerk of the court shall forward copies of the  
 17 results of the investigations to the office upon receiving  
 18 them. If credit or criminal investigations are required, the  
 19 ~~court must consider the results of the investigations before~~  
 20 ~~appointing a guardian. Professional guardians and all~~  
 21 ~~employees of a professional guardian who have a fiduciary~~  
 22 ~~responsibility to a ward, so appointed, must resubmit, at~~  
 23 ~~their own expense, to an investigation of credit history, and~~  
 24 ~~undergo level 1 background screening as required under s.~~  
 25 ~~435.03, at least every 2 years after the date of their~~  
 26 ~~appointment. At any time, the court may require guardians or~~  
 27 ~~their employees to submit to an investigation of credit~~  
 28 ~~history and undergo level 1 background screening as required~~  
 29 ~~under s. 435.03. The court must consider the results of these~~  
 30 ~~investigations in reappointing a guardian.~~

31 ~~(1) Upon receiving the results of a credit or criminal~~

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1 ~~investigation of any public or professional guardian, the~~  
2 ~~clerk of the court shall forward copies of the results to the~~  
3 ~~Statewide Public Guardianship Office in order that the results~~  
4 ~~may be maintained in the guardian's registration file.~~

5       ~~(6)(2)~~ The requirements of this section do ~~does~~ not  
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