

Bill No. CS for SB 1958

Barcode 810882

CHAMBER ACTION

Senate

House

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The Committee on Children and Families (Campbell) recommended the following amendment:

Senate Amendment (with title amendment)

On page 17, line 12, through page 21, line 5, delete those lines

and insert: appointed by the court and retain in the file documentation of the result of any investigation conducted under this section. A professional guardian must pay the clerk of the court a fee of up to \$7.50 for handling and processing professional guardian files.

(2) The court and the Statewide Public Guardianship Office shall accept the satisfactory completion of a criminal history record check by any method described in this subsection. A guardian satisfies the requirements of this section by undergoing:

(a) An electronic fingerprint criminal history record check. A guardian may use any electronic fingerprinting equipment used for criminal history record checks of public employees. The guardian shall pay the actual costs incurred by

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1 the Federal Bureau of Investigation or the Florida Department
 2 of Law Enforcement for the criminal history record check. The
 3 agency that operates the equipment used by the guardian may
 4 charge the guardian an additional fee, not to exceed \$10, for
 5 the use of the equipment. The agency completing the
 6 investigation must immediately send the results of the
 7 criminal history record check to the clerk of the court and
 8 the Statewide Public Guardianship Office. The clerk of the
 9 court shall maintain the results in the guardian's file and
 10 shall make the results available to the court; or

11 (b) A criminal history record check using a
 12 fingerprint card. The clerk of the court shall obtain
 13 fingerprint cards from the Federal Bureau of Investigation and
 14 make them available to guardians. Any guardian who is so
 15 required shall have his or her fingerprints taken and forward
 16 the proper fingerprint card along with the necessary fee to
 17 the Florida Department of Law Enforcement for processing. ~~The~~
 18 professional guardian shall pay to the clerk of the court a
 19 fee of up to \$7.50 for handling and processing professional
 20 guardian files. The results of the fingerprint card criminal
 21 history record checks shall be forwarded to the clerk of the
 22 court who shall maintain the results in the guardian's a
 23 guardian file and shall make the results available to the
 24 court and the Statewide Public Guardianship Office. ~~If credit~~
 25 or criminal investigations are required, the court must
 26 consider the results of the investigations before appointing a
 27 guardian. Professional guardians and all employees of a
 28 professional guardian who have a fiduciary responsibility to a
 29 ward, so appointed, must resubmit, at their own expense, to an
 30 investigation of credit history, and undergo level 1
 31 background screening as required under s. 435.03, at least

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1 ~~every 2 years after the date of their appointment. At any~~
 2 ~~time, the court may require guardians or their employees to~~
 3 ~~submit to an investigation of credit history and undergo level~~
 4 ~~1 background screening as required under s. 435.03. The court~~
 5 ~~must consider the results of these investigations in~~
 6 ~~reappointing a guardian.~~

7 (3)(a) A professional guardian, and each employee of a
 8 professional guardian who has a fiduciary responsibility to a
 9 ward, must complete, at his or her own expense, a level 2
 10 background screening as set forth in s. 435.04, before and at
 11 least once every 5 years after the date the guardian is
 12 appointed. A professional guardian, and each employee of a
 13 professional guardian who has a fiduciary responsibility to a
 14 ward, must complete, at his or her own expense, a level 1
 15 background screening as set forth in s. 435.03, at least once
 16 every 2 years after the date the guardian is appointed.
 17 However, a person is not required to resubmit fingerprints for
 18 a criminal history record check if he or she has been screened
 19 using electronic fingerprinting equipment and the fingerprints
 20 are retained by the Florida Department of Law Enforcement in
 21 order to notify the clerk of the court of any crime charged
 22 against the person in the State of Florida or elsewhere as
 23 appropriate.

24 (b) Effective December 15, 2005, all fingerprints
 25 electronically submitted to the Department of Law Enforcement
 26 under this section shall be retained by the Department of Law
 27 Enforcement in a manner provided by rule and entered in the
 28 statewide automated fingerprint identification system
 29 authorized by s. 943.05(2)(b). The fingerprints shall
 30 thereafter be available for all purposes and uses authorized
 31 for arrest fingerprint cards entered in the statewide

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1 automated fingerprint identification system under s. 943.051.

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

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

28 (b) The Statewide Public Guardianship Office shall
29 adopt a rule detailing the acceptable methods for completing a
30 credit investigation under this section. If appropriate, the
31 Statewide Public Guardianship Office may administer credit

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1 investigations. If the office chooses to administer the credit
 2 investigation, the office may adopt a rule setting a fee, not
 3 to exceed \$25, to reimburse the costs associated with the
 4 administration of a credit investigation.

5 (5) The Statewide Public Guardianship Office may
 6 inspect at any time the results of any credit or criminal
 7 investigation of a public or professional guardian conducted
 8 under this section. The office shall maintain copies of the
 9 credit or criminal history record results in the guardian's
 10 registration

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 13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 2, lines 11-17, delete those lines

16
17 and insert:

18 completing a guardians' criminal history record
 19 check; authorizing a guardian to use electronic
 20 fingerprinting equipment that is available for
 21 criminal history record checks of public
 22 employees; providing that a guardian need not
 23 be rescreened if he or she uses certain
 24 electronic fingerprinting

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