

Bill No. HB 457, 2nd Eng.

Barcode 545318

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Saunders moved the following amendment:

Senate Amendment

Delete lines 510 through 621,

and insert: credit or criminal history record check is required, the court must consider the results of any investigation before appointing a guardian. At any time, the court may require a guardian or the guardian's employees to submit to an investigation of the person's credit history and complete a level 1 background screening as set forth in s. 435.03. The court shall consider the results of any investigation when reappointing a guardian. The clerk of the court shall maintain a file on each guardian 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

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1 subsection. A guardian satisfies the requirements of this
2 section by undergoing:

3 (a) An electronic fingerprint criminal history record
4 check. A guardian may use any electronic fingerprinting
5 equipment used for criminal history record checks of public
6 employees. The guardian shall pay the actual costs incurred by
7 the Federal Bureau of Investigation and the Department of Law
8 Enforcement for the criminal history record check. The agency
9 that operates the equipment used by the guardian may charge
10 the guardian an additional fee, not to exceed \$10, for the use
11 of the equipment. The agency completing the record check must
12 immediately send the results of the criminal history record
13 check to the clerk of the court and the Statewide Public
14 Guardianship Office. The clerk of the court shall maintain the
15 results in the guardian's file and shall make the results
16 available to the court; or

17 (b) A criminal history record check using a
18 fingerprint card. The clerk of the court shall obtain
19 fingerprint cards from the Federal Bureau of Investigation and
20 make them available to guardians. Any guardian who is so
21 required shall have his or her fingerprints taken and forward
22 the proper fingerprint card along with the necessary fee to
23 the Florida Department of Law Enforcement for processing. The
24 professional guardian shall pay to the clerk of the court a
25 fee of up to \$7.50 for handling and processing professional
26 guardian files. The results of the fingerprint card criminal
27 history record checks shall be forwarded to the clerk of the
28 court who shall maintain the results in the guardian's a
29 guardian file and shall make the results available to the
30 court and the Statewide Public Guardianship Office.

31 (3)(a) A professional guardian, and each employee of a

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

16 (b) Effective December 15, 2006, all fingerprints
 17 electronically submitted to the Department of Law Enforcement
 18 under this section shall be retained by the Department of Law
 19 Enforcement in a manner provided by rule and entered in the
 20 statewide automated fingerprint identification system
 21 authorized by s. 943.05(2)(b). The fingerprints shall
 22 thereafter be available for all purposes and uses authorized
 23 for arrest fingerprint cards entered in the Criminal Justice
 24 Information Program under s. 943.051.

25 (c) Effective December 15, 2006, the Department of Law
 26 Enforcement shall search all arrest fingerprint cards received
 27 under s. 943.051 against the fingerprints retained in the
 28 statewide automated fingerprint identification system under
 29 paragraph (b). Any arrest record that is identified with the
 30 fingerprints of a person described in this paragraph must be
 31 reported to the clerk of court. The clerk of court must

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1 forward any arrest record received for a professional guardian
 2 to the Statewide Public Guardianship Office within 5 days.
 3 Each guardian who elects to submit fingerprint information
 4 electronically shall participate in this search process by
 5 paying an annual fee to the Statewide Public Guardianship
 6 Office of the Department of Elderly Affairs and by informing
 7 the clerk of court and the Statewide Public Guardianship
 8 Office of any change in the status of his or her guardianship
 9 appointment. The amount of the annual fee to be imposed for
 10 performing these searches and the procedures for the retention
 11 of guardian fingerprints and the dissemination of search
 12 results shall be established by rule of the Department of Law
 13 Enforcement. At least once every 5 years, the Statewide Public
 14 Guardianship Office must request that the Department of Law
 15 Enforcement forward the fingerprints maintained under this
 16 section to the Federal Bureau of Investigation.

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

23 (b) The Statewide Public Guardianship Office shall
 24 adopt a rule detailing the acceptable methods for completing a
 25 credit investigation under this section. If appropriate, the
 26 Statewide Public Guardianship Office may administer credit
 27 investigations. If the office chooses to administer the credit
 28 investigation, the office may adopt a rule setting a fee, not
 29 to exceed \$25, to reimburse the costs associated with the
 30 administration of a credit investigation.

31 (5) The Statewide Public Guardianship Office may

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1 inspect at any time the results of any credit or criminal
2 investigation of a public or professional guardian conducted
3 under this section. The office shall maintain copies of the
4 credit or criminal history record check results in the
5 guardian's registration file. If the

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