



1 court shall maintain a file on each guardian appointed by the  
2 court and retain in the file documentation of the result of  
3 any investigation conducted under this section. A professional  
4 guardian must pay the clerk of the court a fee of up to \$7.50  
5 for handling and processing professional guardian files.

6 (2) ~~For nonprofessional guardians, the court and the~~  
7 ~~Statewide Public Guardianship Office~~ shall accept the  
8 satisfactory completion of a criminal history record check as  
9 ~~by any method~~ described in this subsection. A nonprofessional  
10 guardian satisfies the requirements of this section by  
11 undergoing a state and national criminal history record check  
12 using a fingerprint card. The clerk of the court shall obtain  
13 fingerprint cards from the Federal Bureau of Investigation and  
14 make them available to nonprofessional guardians. Any  
15 nonprofessional guardian who is so required shall have his or  
16 her fingerprints taken and forward the completed fingerprint  
17 card along with the necessary fee to the Department of Law  
18 Enforcement for processing. The results of the fingerprint  
19 card criminal history record check shall be forwarded to the  
20 clerk of the court, who shall maintain the results in the  
21 nonprofessional guardian's file and make the results available  
22 to the court.

23 (3) For professional guardians, the court and the  
24 Statewide Public Guardianship Office shall accept the  
25 satisfactory completion of a criminal history record check by  
26 any method described in this subsection. A professional  
27 guardian satisfies the requirements of this section by  
28 undergoing:

29 (a) An electronic fingerprint criminal history record  
30 check. A professional guardian may use any electronic  
31 fingerprinting equipment used for criminal history record

1 | ~~checks of public employees. The Statewide Public Guardianship~~  
2 | Office shall adopt a rule detailing the acceptable methods for  
3 | completing an electronic fingerprint criminal history record  
4 | check under this section. The professional guardian shall pay  
5 | the actual costs incurred by the Federal Bureau of  
6 | Investigation and the Department of Law Enforcement for the  
7 | criminal history record check. ~~The agency that operates the~~  
8 | ~~equipment used by the guardian may charge the guardian an~~  
9 | ~~additional fee, not to exceed \$10, for the use of the~~  
10 | ~~equipment.~~ The entity ~~agency~~ completing the record check must  
11 | immediately send the results of the criminal history record  
12 | check to the clerk of the court and the Statewide Public  
13 | Guardianship Office. The clerk of the court shall maintain the  
14 | results in the professional guardian's file and shall make the  
15 | results available to the court; or

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

27 |         ~~(4)(3)~~(a) A professional guardian, and each employee  
28 | of a professional guardian who has a fiduciary responsibility  
29 | to a ward, must complete, at his or her own expense, a level 2  
30 | background screening as set forth in s. 435.04 before and at  
31 | least once every 5 years after the date the guardian is

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

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

22 |       (c) ~~Effective December 15, 2006,~~ The Department of Law  
23 | Enforcement shall search all arrest fingerprint cards received  
24 | under s. 943.051 against the fingerprints retained in the  
25 | statewide automated fingerprint identification system under  
26 | paragraph (b). Any arrest record that is identified with the  
27 | fingerprints of a person described in this paragraph must be  
28 | reported to the clerk of court. The clerk of court must  
29 | forward any arrest record received for a professional guardian  
30 | to the Statewide Public Guardianship Office within 5 days.  
31 | Each professional guardian who elects to submit fingerprint

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

15 ~~(5)(4)~~(a) A professional guardian, and each employee  
16 of a professional guardian who has a fiduciary responsibility  
17 to a ward, must complete, at his or her own expense, an  
18 investigation of his or her credit history before and at least  
19 once every 2 years after the date of the guardian's  
20 registration with the Statewide Public Guardianship Office  
21 ~~appointment.~~

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

30 ~~(6)(5)~~ The Statewide Public Guardianship Office may  
31 inspect at any time the results of any credit or criminal

1 history record check of a public or professional guardian  
2 conducted under this section. The office shall maintain copies  
3 of the credit or criminal history record check results in the  
4 guardian's registration file. If the results of a credit or  
5 criminal investigation of a public or professional guardian  
6 have not been forwarded to the Statewide Public Guardianship  
7 Office by the investigating agency, the clerk of the court  
8 shall forward copies of the results of the investigations to  
9 the office upon receiving them.

10 ~~(7)(6)~~ The requirements of this section do not apply  
11 to a professional guardian, or to the employees of a  
12 professional guardian, that is a trust company, a state  
13 banking corporation or state savings association authorized  
14 and qualified to exercise fiduciary powers in this state, or a  
15 national banking association or federal savings and loan  
16 association authorized and qualified to exercise fiduciary  
17 powers in this state.

18 Section 2. This act shall take effect July 1, 2007.

19  
20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
21 COMMITTEE SUBSTITUTE FOR  
22 SB 2040

23 Clarifies that the criminal history record check for  
24 nonprofessional guardians is a state and national check.

25 Adds a requirement for the Statewide Public Guardianship  
26 Office to adopt a rule detailing the acceptable methods for  
27 completing an electronic fingerprint criminal history record  
28 check for professional guardians.

29 Deletes a provision that permitted the agency operating the  
30 electronic fingerprinting equipment to charge the professional  
31 guardian an additional fee up to \$10.