

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Children, Families &  
2 Seniors Subcommittee  
3 Representative Chaney offered the following:

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Subsection (4) of section 744.2112, F.S., is  
8 created to read:

9 (4) (a) The personal identifying information of a ward or  
10 petitioner held by the Florida Association of Court Clerks and  
11 Comptrollers, Inc., and the clerks of court in the database  
12 established under this section shall be confidential and exempt  
13 from s. 119.07(1) and s. 24(a), Art. I of the State  
14 Constitution.

15 (b) Information made confidential and exempt under this  
16 subsection may be released to another governmental entity for

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17 use in the performance of its official duties and  
18 responsibilities.

19 (c) This subsection is subject to the Open Government  
20 Sunset Review Act in accordance with s. 119.15 and shall stand  
21 repealed on October 2, 2027, unless reviewed and saved from  
22 repeal through reenactment by the Legislature.

23 Section 2. The Legislature finds it is a public necessity  
24 to exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
25 Article I of the State Constitution the personal identifying  
26 information of a ward or petitioner held by the Florida  
27 Association of Court Clerks and Comptrollers, Inc., and the  
28 clerks of court in the database established under s. 744.2112.  
29 The Legislature finds that the health and safety of the public  
30 necessitates that the clerks of court have access to personal  
31 identifying information of the state's most vulnerable citizens  
32 when they become involved in a guardianship proceeding and the  
33 petitioners who petition on their behalf. The use of a database  
34 as a repository for guardianship-related information will allow  
35 not only for more efficient judicial processes but will permit  
36 analysis of guardianship data that can be used to enhance the  
37 statewide system by improving protections for wards and  
38 increasing preservation of their property. Providing such access  
39 will also enable the judiciary to provide the oversight required  
40 to ensure that the guardians appointed to wards are performing  
41 their duties in compliance with the law and with due regard to

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42 the well-being of the ward. Further, the Legislature finds that  
43 the exemption provided for in this act is a public necessity  
44 because the public disclosure of such sensitive information  
45 could lead to abuse or exploitation of these vulnerable  
46 citizens, and avoiding such abuse or exploitation is a key  
47 reason why guardianships are sought for individuals.

48 Section 3. This act shall take effect on the same date  
49 that HB 1349 or similar legislation takes effect, if such  
50 legislation is adopted in the same legislative session or an  
51 extension thereof and becomes law.

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**T I T L E A M E N D M E N T**

56 Remove everything before the enacting clause and insert:  
57 An act relating to public records; amending s. 744.2112, F.S.;  
58 exempting from public records requirements certain information  
59 held by the Florida Association of Court Clerks and  
60 Comptrollers, Inc., and clerks of court; providing for future  
61 review and repeal of the exemption; providing a statement of  
62 public necessity; providing a contingent effective date.