

CS/HB 1351

2022

1 A bill to be entitled
2 An act relating to public records; amending s.
3 744.2112, F.S.; exempting from public records
4 requirements certain information held by the Florida
5 Association of Court Clerks and Comptrollers, Inc.,
6 and the clerks of court; providing for future review
7 and repeal of the exemption; providing a statement of
8 public necessity; providing a contingent effective
9 date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsection (4) is added to section 744.2112,
14 Florida Statutes, as created by HB 1349, 2022 Regular Session,
15 to read:

16 744.2112 Guardianship data collection and transparency.—
17 (4)(a) The personal identifying information of a ward or
18 petitioner held by the Florida Association of Court Clerks and
19 Comptrollers, Inc., and the clerks of court in the database
20 established under this section shall be confidential and exempt
21 from s. 119.07(1) and s. 24(a), Art. I of the State
22 Constitution.

23 (b) Information made confidential and exempt under this
24 subsection may be released to another governmental entity for
25 use in the performance of its official duties and

26 responsibilities.

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29 repealed on October 2, 2027, unless reviewed and saved from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

31 Section 2. The Legislature finds that it is a public
32 necessity to exempt from s. 119.07(1), Florida Statutes, and s.
33 24(a), Article I of the State Constitution the personal
34 identifying information of a ward or petitioner held by the
35 Florida Association of Court Clerks and Comptrollers, Inc., and
36 the clerks of court in the database established under s.
37 744.2112, Florida Statutes. The Legislature finds that the
38 health and safety of the public necessitates that the clerks of
39 court have access to personal identifying information of the
40 state's most vulnerable residents when such individuals become
41 involved in a guardianship proceeding and the petitioners who
42 petition on their behalf. The use of a database as a repository
43 for guardianship-related information will allow for more
44 efficient judicial processes and will permit analysis of
45 guardianship data which can be used to enhance the statewide
46 system by improving protections for wards and increasing
47 preservation of their property. Providing access to such
48 personal identifying information will also enable the judiciary
49 to provide the oversight required to ensure that the guardians
50 appointed to wards are performing their duties in compliance

51 with the law and with due regard to the well-being of the wards.
52 Further, the Legislature finds that the exemption provided for
53 in this act is a public necessity because the public disclosure
54 of such sensitive information could lead to abuse or
55 exploitation of these vulnerable citizens, and avoiding such
56 abuse or exploitation is a key reason why guardianships are
57 sought for individuals.

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