

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 Clerks of Court Operations Corporation and the clerks
 6 of court; providing for future review and repeal of
 7 the exemption; providing a statement of public
 8 necessity; providing a contingent effective date.

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

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 12 Section 1. Subsection (6) is added to section 744.2112,
 13 Florida Statutes, as created by HB 1349, 2022 Regular Session,
 14 to read:

15 744.2112 Guardianship information and transparency.—

16 (6) (a) The personal identifying information of a ward or
 17 petitioner held by the Florida Clerks of Court Operations
 18 Corporation and the clerks of court in the database established
 19 under this section shall be confidential and exempt from s.
 20 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

25 (c) This subsection is subject to the Open Government

26 Sunset Review Act in accordance with s. 119.15 and shall stand
27 repealed on October 2, 2027, unless reviewed and saved from
28 repeal through reenactment by the Legislature.

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

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51 | a public necessity because the public disclosure of such
52 | sensitive information could lead to abuse or exploitation of
53 | these vulnerable citizens, and avoiding such abuse or
54 | exploitation is a key reason why guardianships are sought for
55 | individuals.

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