

1                   A bill to be entitled  
 2           An act relating to public records; creating s.  
 3           744.21031, F.S.; providing an exemption from public  
 4           records requirements for certain identifying and  
 5           location information of current or former public  
 6           guardians, employees with fiduciary responsibility,  
 7           and the spouses and children thereof; providing a  
 8           definition of the term "employee with fiduciary  
 9           responsibility"; providing for retroactive  
 10          application; providing for future legislative review  
 11          and repeal of the exemption; providing a statement of  
 12          public necessity; providing an effective date.

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

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 16          Section 1. Section 744.21031, Florida Statutes, is created  
 17          to read:

18               744.21031 Public records exemption.—The home addresses,  
 19               telephone numbers, dates of birth, places of employment, and  
 20               photographs of current or former public guardians and employees  
 21               with fiduciary responsibility; the names, home addresses,  
 22               telephone numbers, dates of birth, and places of employment of  
 23               the spouses and children of such persons; and the names and  
 24               locations of schools and day care facilities attended by the  
 25               children of such persons are exempt from s. 119.07(1) and s.

26 24(a), Art. I of the State Constitution. As used in this  
27 section, the term "employee with fiduciary responsibility" means  
28 an employee of a public guardian who has the ability to direct  
29 any transactions of a ward's funds, assets, or property; who  
30 under the supervision of the guardian, manages the care of the  
31 ward; or who makes any health care decision, as defined in s.  
32 765.101, on behalf of the ward. This exemption applies to  
33 information held by an agency before, on, or after July 1, 2018.  
34 An agency that is the custodian of the information specified in  
35 this section shall maintain the exempt status of that  
36 information only if the current or former public guardians and  
37 employees with fiduciary responsibility submit a written request  
38 for maintenance of the exemption to the custodial agency. Except  
39 as otherwise provided in this section, this section is subject  
40 to the Open Government Sunset Review Act in accordance with s.  
41 119.15 and shall stand repealed on October 2, 2023, unless  
42 reviewed and saved from repeal through reenactment by the  
43 Legislature.

44 Section 2. (1) The Legislature finds that it is a public  
45 necessity that the following identifying and location  
46 information be exempt from s. 119.07(1), Florida Statutes, and  
47 s. 24(a), Article I of the State Constitution:

48 (a) The home addresses, telephone numbers, dates of birth,  
49 places of employment, and photographs of current or former  
50 public guardians and employees with fiduciary responsibility.

51        (b) The names, home addresses, telephone numbers, dates of  
52 birth, and places of employment of spouses and children of such  
53 guardians and employees with fiduciary responsibility.

54        (c) The names and locations of schools and day care  
55 facilities attended by the children of such guardians and  
56 employees with fiduciary responsibility.

57        (2) The Legislature finds that the release of such  
58 identifying and location information might place current or  
59 former public guardians and employees with fiduciary  
60 responsibility and their family members in danger of physical  
61 and emotional harm from disgruntled individuals who react  
62 inappropriately to actions taken by the public guardians and  
63 employees with fiduciary responsibility. Public guardians and  
64 employees with fiduciary responsibility provide a valuable  
65 service to the community by helping some of the state's most  
66 vulnerable residents who lack the physical or mental capacity to  
67 take care of most aspects of their own personal affairs. Public  
68 guardians and employees with fiduciary responsibility help those  
69 who lack a willing and qualified family member or friend and do  
70 not have the income or assets to pay a professional guardian.

71        (3) Despite the value of this service, however, some  
72 persons, including a public guardian's own wards, become  
73 disgruntled with the assistance provided or the decisions a  
74 public guardian or an employee with fiduciary responsibility  
75 makes, which can result in a guardian or an employee with

76 fiduciary responsibility or the family members of the guardian  
77 or the employee with fiduciary responsibility becoming potential  
78 targets for an act of revenge. Wards have harassed their public  
79 guardians with threats of incarceration, violence, and death  
80 through voicemail messages and social media. Wards have also  
81 left voicemail messages threatening to kill themselves and  
82 others, as well as the public guardian. In the course of their  
83 duties, public guardians have also been subject to being  
84 physically assaulted.

85 (4) After a public guardian or an employee with fiduciary  
86 responsibility concludes his or her service, the risk continues  
87 because a disgruntled individual may wait until such time to  
88 commit an act of revenge. The harm that may result from the  
89 release of a public guardian's or an employee with fiduciary  
90 responsibility's personal identifying and location information  
91 outweighs any public benefit that may be derived from the  
92 disclosure of the information.

93 Section 3. This act shall take effect July 1, 2018.