

By the Committee on Children, Families, and Elder Affairs; and
Senator Passidomo

586-01081A-18

2018268c1

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 for
8 retroactive application; providing for future
9 legislative review and repeal of the exemption;
10 providing a statement of public necessity; providing
11 an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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

17 744.21031 Public records exemption.—The home addresses,
18 telephone numbers, dates of birth, places of employment, and
19 photographs of current or former public guardians and employees
20 with fiduciary responsibility; the names, home addresses,
21 telephone numbers, dates of birth, and places of employment of
22 the spouses and children of such persons; and the names and
23 locations of schools and day care facilities attended by the
24 children of such persons are exempt from s. 119.07(1) and s.
25 24(a), Art. I of the State Constitution. This exemption applies
26 to information held by an agency before, on, or after July 1,
27 2018. This section is subject to the Open Government Sunset
28 Review Act in accordance with s. 119.15 and shall stand repealed
29 on October 2, 2023, unless reviewed and saved from repeal

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30 through reenactment by the Legislature.

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

35 (a) The home addresses, telephone numbers, dates of birth,
36 places of employment, and photographs of current or former
37 public guardians and employees with fiduciary responsibility;

38 (b) The names, home addresses, telephone numbers, dates of
39 birth, and places of employment of spouses and children of such
40 guardians and employees with fiduciary responsibility; and

41 (c) The names and locations of schools and day care
42 facilities attended by the children of such guardians and
43 employees with fiduciary responsibility.

44 (2) The Legislature finds that the release of such
45 identifying and location information might place current or
46 former public guardians and employees with fiduciary
47 responsibility and their family members in danger of physical
48 and emotional harm from disgruntled individuals who react
49 inappropriately to actions taken by the public guardians and
50 employees with fiduciary responsibility. Public guardians and
51 employees with fiduciary responsibility provide a valuable
52 service to the community by helping some of the state's most
53 vulnerable residents who lack the physical or mental capacity to
54 take care of most aspects of their own personal affairs. Public
55 guardians and employees with fiduciary responsibility help those
56 who lack a willing and qualified family member or friend and do
57 not have the income or assets to pay a professional guardian.

58 (3) Despite the value of this service, however, some

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59 persons, including a public guardian's own wards, become
60 disgruntled with the assistance provided or the decisions a
61 public guardian or an employee with fiduciary responsibility
62 makes, which can result in a guardian or an employee with
63 fiduciary responsibility or the family members of the guardian
64 or the employee with fiduciary responsibility becoming potential
65 targets for an act of revenge. Wards have harassed their public
66 guardians with threats of incarceration, violence, and death
67 through voicemail messages and social media. Wards have also
68 left voicemail messages threatening to kill themselves and others,
69 as well as the public guardian. In the course of their duties,
70 public guardians have also been subject to being physically
71 assaulted.

72 (4) After a public guardian or an employee with fiduciary
73 responsibility concludes his or her service, the risk continues
74 because a disgruntled individual may wait until then to commit
75 an act of revenge. The harm that may result from the release of
76 a public guardian's or an employee with fiduciary
77 responsibility's personal identifying and location information
78 outweighs any public benefit that may be derived from the
79 disclosure of the information.

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