



316304

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2017	.	
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The Committee on Governmental Oversight and Accountability  
(Passidomo) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

744.21031 Public records exemption.—The home addresses,  
telephone numbers, dates of birth, places of employment, and  
photographs of current or former public guardians; the names,  
home addresses, telephone numbers, dates of birth, and places of



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11 employment of the spouses and children of such persons; and the  
12 names and locations of schools and day care facilities attended  
13 by the children of such persons are exempt from s. 119.07(1) and  
14 s. 24(a), Art. I of the State Constitution. The exemption in  
15 this section applies to information held by an agency before,  
16 on, or after the effective date of the exemption. This section  
17 is subject to the Open Government Sunset Review Act in  
18 accordance with s. 119.15 and shall stand repealed on October 2,  
19 2022, unless reviewed and saved from repeal through reenactment  
20 by the Legislature.

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

25 (a) The home addresses, telephone numbers, dates of birth,  
26 places of employment, and photographs of current or former  
27 public guardians;

28 (b) The names, home addresses, telephone numbers, dates of  
29 birth, and places of employment of spouses and children of such  
30 guardians; and

31 (c) The names and locations of schools and day care  
32 facilities attended by the children of such guardians.

33 (2) The Legislature finds that the release of such  
34 identifying and location information might place current or  
35 former public guardians and their family members in danger of  
36 physical and emotional harm from disgruntled individuals who  
37 react inappropriately to actions taken by the public guardians.  
38 Public guardians provide a valuable service to the community by  
39 helping some of the state's most vulnerable residents who lack



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40 the physical or mental capacity to take care of most aspects of  
41 their own personal affairs. Public guardians help those who lack  
42 a willing and qualified family member or friend and do not have  
43 the income or assets to pay a professional guardian.

44 (3) Despite the value of this service, however, some  
45 persons, including a public guardian's own wards, become  
46 disgruntled with the assistance provided or the decisions a  
47 public guardian makes, which result in a guardian or the  
48 guardian's family members becoming potential targets for an act  
49 of revenge. In one instance, a ward became angry that his public  
50 guardian had taken him to the hospital for a psychological  
51 evaluation. Thereafter, the ward used public records to locate  
52 his public guardian's home. The ward proceeded to call law  
53 enforcement and requested officers to go to the public  
54 guardian's home after the ward falsely stated that the public  
55 guardian was suicidal in an effort to get her involuntarily  
56 committed under the Baker Act. The ward continued to make death  
57 threats against this public guardian in the weeks following this  
58 incident. Other wards have harassed their public guardians with  
59 threats of incarceration, violence, and death through voicemail  
60 messages and social media. Wards have also left voicemail  
61 messages threatening to kill themselves and others, as well as the  
62 public guardian. In the course of their duties, public guardians  
63 have also been subject to being physically assaulted.

64 (4) The risk continues after a public guardian concludes  
65 his or her service because a disgruntled individual may wait to  
66 commit an act of revenge until the guardian concludes his or her  
67 service. The harm that may result from the release of a public  
68 guardian's personal identifying and location information



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69 outweighs any public benefit that may be derived from the  
70 disclosure of the information.

71 Section 3. This act shall take effect July 1, 2017.

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73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Delete everything before the enacting clause  
76 and insert:

77 A bill to be entitled  
78 An act relating to public records; creating s.  
79 744.21031, F.S.; providing an exemption from public  
80 records requirements for certain identifying and  
81 location information of current or former public  
82 guardians and the spouses and children thereof;  
83 providing for retroactive application; providing for  
84 future legislative review and repeal of the exemption;  
85 providing a statement of public necessity; providing  
86 an effective date.