

**By** the Committees on Governmental Oversight and Accountability; and Children, Families, and Elder Affairs; and Senator Passidomo

585-02132-17

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

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

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

16           744.21031 Public records exemption.—The home addresses,  
17 telephone numbers, dates of birth, places of employment, and  
18 photographs of current or former public guardians; the names,  
19 home addresses, telephone numbers, dates of birth, and places of  
20 employment of the spouses and children of such persons; and the  
21 names and locations of schools and day care facilities attended  
22 by the children of such persons are exempt from s. 119.07(1) and  
23 s. 24(a), Art. I of the State Constitution. The exemption in  
24 this section applies to information held by an agency before,  
25 on, or after the effective date of the exemption. This section  
26 is subject to the Open Government Sunset Review Act in  
27 accordance with s. 119.15 and shall stand repealed on October 2,  
28 2022, unless reviewed and saved from repeal through reenactment  
29 by the Legislature.

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

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

37           (b) The names, home addresses, telephone numbers, dates of  
38 birth, and places of employment of spouses and children of such  
39 guardians; and

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

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

53           (3) Despite the value of this service, however, some  
54 persons, including a public guardian's own wards, become  
55 disgruntled with the assistance provided or the decisions a  
56 public guardian makes, which result in a guardian or the  
57 guardian's family members becoming potential targets for an act  
58 of revenge. In one instance, a ward became angry that his public

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59 guardian had taken him to the hospital for a psychological  
60 evaluation. Thereafter, the ward used public records to locate  
61 his public guardian's home. The ward proceeded to call law  
62 enforcement and requested officers to go to the public  
63 guardian's home after the ward falsely stated that the public  
64 guardian was suicidal in an effort to get her involuntarily  
65 committed under the Baker Act. The ward continued to make death  
66 threats against this public guardian in the weeks following this  
67 incident. Other wards have harassed their public guardians with  
68 threats of incarceration, violence, and death through voicemail  
69 messages and social media. Wards have also left voicemail  
70 messages threatening to kill themselves and others, as well as the  
71 public guardian. In the course of their duties, public guardians  
72 have also been subject to being physically assaulted.

73 (4) The risk continues after a public guardian concludes  
74 his or her service because a disgruntled individual may wait to  
75 commit an act of revenge until the guardian concludes his or her  
76 service. The harm that may result from the release of a public  
77 guardian'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, 2017.