

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 withdrawals or investments made from a ward's banking or  
30 investment accounts; who, under the supervision of the guardian,  
31 supervises the care of the ward; or who makes any health care  
32 decision, as defined in s. 765.101, on behalf of the ward. This  
33 exemption applies to information held by an agency before, on,  
34 or after July 1, 2018. This section is subject to the Open  
35 Government Sunset Review Act in accordance with s. 119.15 and  
36 shall stand repealed on October 2, 2023, unless reviewed and  
37 saved from repeal through reenactment by the Legislature.

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

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

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

48 (c) The names and locations of schools and day care  
49 facilities attended by the children of such guardians and  
50 employees with fiduciary responsibility.

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

65        (3) Despite the value of this service, however, some  
66 persons, including a public guardian's own wards, become  
67 disgruntled with the assistance provided or the decisions a  
68 public guardian or an employee with fiduciary responsibility  
69 makes, which can result in a guardian or an employee with  
70 fiduciary responsibility or the family members of the guardian  
71 or the employee with fiduciary responsibility becoming potential  
72 targets for an act of revenge. Wards have harassed their public  
73 guardians with threats of incarceration, violence, and death  
74 through voicemail messages and social media. Wards have also  
75 left voicemail messages threatening to kill themselves and

76 | others, as well as the public guardian. In the course of their  
77 | duties, public guardians have also been subject to being  
78 | physically assaulted.

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

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