



423396

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/13/2017	.	
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The Committee on Children, Families, and Elder Affairs
(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 and employees
with fiduciary responsibility; the names, home addresses,



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11 telephone numbers, dates of birth, and places of employment of
12 the spouses and children of such persons; and the names and
13 locations of schools and day care facilities attended by the
14 children of such persons are exempt from s. 119.07(1) and s.
15 24(a), Art. I of the State Constitution. This exemption applies
16 to information held by an agency before, on, or after July 1,
17 2018. This section is subject to the Open Government Sunset
18 Review Act in accordance with s. 119.15 and shall stand repealed
19 on October 2, 2023, unless reviewed and saved from repeal
20 through reenactment 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 and employees with fiduciary responsibility;

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 employees with fiduciary responsibility; and

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

34 (2) The Legislature finds that the release of such
35 identifying and location information might place current or
36 former public guardians and employees with fiduciary
37 responsibility and their family members in danger of physical
38 and emotional harm from disgruntled individuals who react
39 inappropriately to actions taken by the public guardians and



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40 employees with fiduciary responsibility. Public guardians and
41 employees with fiduciary responsibility provide a valuable
42 service to the community by helping some of the state's most
43 vulnerable residents who lack the physical or mental capacity to
44 take care of most aspects of their own personal affairs. Public
45 guardians and employees with fiduciary responsibility help those
46 who lack a willing and qualified family member or friend and do
47 not have the income or assets to pay a professional guardian.

48 (3) Despite the value of this service, however, some
49 persons, including a public guardian's own wards, become
50 disgruntled with the assistance provided or the decisions a
51 public guardian or an employee with fiduciary responsibility
52 makes, which can result in a guardian or an employee with
53 fiduciary responsibility or the family members of the guardian
54 or the employee with fiduciary responsibility becoming potential
55 targets for an act of revenge. Wards have harassed their public
56 guardians with threats of incarceration, violence, and death
57 through voicemail messages and social media. Wards have also
58 left voicemail messages threatening to kill themselves and others,
59 as well as the public guardian. In the course of their duties,
60 public guardians have also been subject to being physically
61 assaulted.

62 (4) After a public guardian or an employee with fiduciary
63 responsibility concludes his or her service, the risk continues
64 because a disgruntled individual may wait until then to commit
65 an act of revenge. The harm that may result from the release of
66 a public guardian's or an employee with fiduciary
67 responsibility's personal identifying and location information
68 outweighs any public benefit that may be derived from the



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69 disclosure of the information.

70 Section 2. This act shall take effect July 1, 2018.

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

72 And the title is amended as follows:

73 Delete everything before the enacting clause
74 and insert:

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