

By Senator Passidomo

28-00312-18

2018268\_\_

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, public-guardian case managers, and the  
7       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 public-  
20 guardian case managers; the names, home addresses, telephone  
21 numbers, dates of birth, and places of employment of the spouses  
22 and children of such persons; and the names and locations of  
23 schools and day care facilities attended by the children of such  
24 persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the  
25 State Constitution. This exemption applies to information held  
26 by an agency before, on, or after July 1, 2018. This section is  
27 subject to the Open Government Sunset Review Act in accordance  
28 with s. 119.15 and shall stand repealed on October 2, 2023,  
29 unless reviewed and saved from repeal through reenactment by the

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30 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 public-guardian case managers;

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 case managers; and

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

44 (2) The Legislature finds that the release of such  
45 identifying and location information might place current or  
46 former public guardians and public-guardian case managers and  
47 their family members in danger of physical and emotional harm  
48 from disgruntled individuals who react inappropriately to  
49 actions taken by the public guardians and public-guardian case  
50 managers. Public guardians and public-guardian case managers  
51 provide a valuable service to the community by helping some of  
52 the state's most vulnerable residents who lack the physical or  
53 mental capacity to take care of most aspects of their own  
54 personal affairs. Public guardians and public-guardian case  
55 managers help those who lack a willing and qualified family  
56 member or friend and do not have the income or assets to pay a  
57 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 case manager makes, which can result in a  
62 guardian or case manager or the guardian's or case manager's  
63 family members becoming potential targets for an act of revenge.  
64 Wards have harassed their public guardians with threats of  
65 incarceration, violence, and death through voicemail messages  
66 and social media. Wards have also left voicemail messages  
67 threatening to kill themselves and others, as well as the public  
68 guardian. In the course of their duties, public guardians have  
69 also been subject to being physically assaulted.

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

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