

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

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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, employees with fiduciary responsibility,
7 and the spouses and children thereof; defining the
8 term "employee with fiduciary responsibility";
9 providing for retroactive application; providing for
10 future legislative review and repeal of the exemption;
11 providing a statement of public necessity; providing
12 an effective date.

13
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

585-02142-18

2018268c2

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36 shall stand repealed on October 2, 2023, unless reviewed and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; and

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

585-02142-18

2018268c2

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 others,
76 as well as the public guardian. In the course of their duties,
77 public guardians have also been subject to being physically
78 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 then to commit
82 an act of revenge. The harm that may result from the release of
83 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.