

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

595-02746-18

2018268c3

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; requiring an
10 agency that is the custodian of certain information to
11 maintain the exempt status of that information only if
12 the current or former public guardians and employees
13 with fiduciary responsibility submit a written request
14 for maintenance of the exemption to the custodial
15 agency; providing for future legislative review and
16 repeal of the exemption; providing a statement of
17 public necessity; providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 744.21031, Florida Statutes, is created
22 to read:

23 744.21031 Public records exemption.—The home addresses,
24 telephone numbers, dates of birth, places of employment, and
25 photographs of current or former public guardians and employees
26 with fiduciary responsibility; the names, home addresses,
27 telephone numbers, dates of birth, and places of employment of
28 the spouses and children of such persons; and the names and
29 locations of schools and day care facilities attended by the

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30 children of such persons are exempt from s. 119.07(1) and s.
31 24(a), Art. I of the State Constitution. As used in this
32 section, the term "employee with fiduciary responsibility" means
33 an employee of a public guardian who has the ability to direct
34 any transactions of a ward's funds, assets, or property; who
35 under the supervision of the guardian, manages the care of the
36 ward; or who makes any health care decision, as defined in s.
37 765.101, on behalf of the ward. This exemption applies to
38 information held by an agency before, on, or after July 1, 2018.
39 An agency that is the custodian of the information specified in
40 this section shall maintain the exempt status of that
41 information only if the current or former public guardians and
42 employees with fiduciary responsibility submit to the custodial
43 agency a written request for maintenance of the exemption. This
44 section is subject to the Open Government Sunset Review Act in
45 accordance with s. 119.15 and shall stand repealed on October 2,
46 2023, unless reviewed and saved from repeal through reenactment
47 by the Legislature.

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

52 (a) The home addresses, telephone numbers, dates of birth,
53 places of employment, and photographs of current or former
54 public guardians and employees with fiduciary responsibility;

55 (b) The names, home addresses, telephone numbers, dates of
56 birth, and places of employment of spouses and children of such
57 guardians and employees with fiduciary responsibility; and

58 (c) The names and locations of schools and day care

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59 facilities attended by the children of such guardians and
60 employees with fiduciary responsibility.

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

75 (3) Despite the value of this service, however, some
76 persons, including a public guardian's own wards, become
77 disgruntled with the assistance provided or the decisions a
78 public guardian or an employee with fiduciary responsibility
79 makes, which can result in a guardian or an employee with
80 fiduciary responsibility or the family members of the guardian
81 or the employee with fiduciary responsibility becoming potential
82 targets for an act of revenge. Wards have harassed their public
83 guardians with threats of incarceration, violence, and death
84 through voicemail messages and social media. Wards have also
85 left voicemail messages threatening to kill themselves and
86 others, as well as the public guardian. In the course of their
87 duties, public guardians have also been subject to being

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88 physically assaulted.

89 (4) After a public guardian or an employee with fiduciary
90 responsibility concludes his or her service, the risk continues
91 because a disgruntled individual may wait until then to commit
92 an act of revenge. The harm that may result from the release of
93 a public guardian's or an employee with fiduciary
94 responsibility's personal identifying and location information
95 outweighs any public benefit that may be derived from the
96 disclosure of the information.

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