

By the Committee on Children, Families, and Elder Affairs

586-02084-23

20237000\_\_

1 A bill to be entitled

2 An act relating to a review under the Open Government  
3 Sunset Review Act; amending s. 744.21031, F.S., which  
4 provides an exemption from public records requirements  
5 for certain identifying and location information of  
6 current or former public guardians, employees with  
7 fiduciary responsibility, and the spouses and children  
8 thereof; defining terms; narrowing the scope of the  
9 public records exemption for current public guardians  
10 and employees with fiduciary responsibility and former  
11 public guardians and employees with fiduciary  
12 responsibility, respectively; removing the scheduled  
13 repeal date of the exemption; providing an effective  
14 date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 744.21031, Florida Statutes, is amended  
19 to read:

20 744.21031 Public records exemption.—

21 (1) For purposes of this section, the term:

22 (a) "Agency" has the same meaning as provided in s.  
23 119.011.

24 (b) "Employee with fiduciary responsibility" means an  
25 employee of a public guardian who has the ability to direct any  
26 transactions of a ward's funds, assets, or property; who, under  
27 the supervision of a guardian, manages the care of a ward; or  
28 who makes any health care decision as defined in s. 765.101 on  
29 behalf of a ward.

586-02084-23

20237000\_\_

30 (c) "Telephone numbers" has the same meaning as provided in  
31 s. 119.071(4)(d)1.b.

32 (2) The home addresses, telephone numbers, and dates of  
33 birth, ~~places of employment, and photographs~~ of current or  
34 former public guardians and employees with fiduciary  
35 responsibility; ~~photographs of former public guardians and~~  
36 employees with fiduciary responsibility; the names, home  
37 addresses, telephone numbers, and dates of birth, and ~~places of~~  
38 employment of the spouses and children of current or former  
39 public guardians and employees with fiduciary responsibility who  
40 are not themselves current or former public guardians or  
41 employees with fiduciary responsibility ~~such persons~~; and the  
42 names and locations of schools and day care facilities attended  
43 by the children of such persons are exempt from s. 119.07(1) and  
44 s. 24(a), Art. I of the State Constitution. ~~As used in this~~  
45 section, the term ~~"employee with fiduciary responsibility"~~ means  
46 an employee of a public guardian who has the ability to direct  
47 any transactions of a ward's funds, assets, or property; who  
48 under the supervision of the guardian, manages the care of the  
49 ward; or who makes any health care decision, as defined in s.  
50 765.101, on behalf of the ward. This exemption applies to  
51 information held by an agency before, on, or after July 1, 2018.  
52 An agency that is the custodian of the information specified in  
53 this section shall maintain the exempt status of that  
54 information only if the current or former public guardians and  
55 employees with fiduciary responsibility submit to the custodial  
56 agency a written request for maintenance of the exemption. ~~This~~  
57 section is subject to the Open Government Sunset Review Act in  
58 accordance with s. 119.15 and shall stand repealed on October 2,

586-02084-23

20237000\_\_

59 ~~2023, unless reviewed and saved from repeal through reenactment~~  
60 ~~by the Legislature.~~

61 Section 2. This act shall take effect October 1, 2023.