

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 of current or former public guardians and employees
 9 with fiduciary responsibility; providing definitions;
 10 narrowing the scope of the public records exemption;
 11 removing the scheduled repeal of the exemption;
 12 providing an effective date.

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 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 amended
 17 to read:

18 744.21031 Public records exemption.—

19 (1) As used in this section, the term:

20 (a) "Agency" has the same meaning as in s. 119.011.

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

26 | 765.101, on behalf of the ward.

27 | (c) "Telephone numbers" has the same meaning as in s.

28 | 119.071(4)(d)1.b.

29 | (2) The home addresses, telephone numbers, and dates of

30 | birth, ~~places of employment, and photographs~~ of current or

31 | former public guardians and employees with fiduciary

32 | responsibility; ~~photographs of former public guardians and~~

33 | ~~employees with fiduciary responsibility;~~ the names, home

34 | addresses, telephone numbers, and dates of birth, ~~and places of~~

35 | ~~employment~~ of the spouses and children of current or former

36 | public guardians or employees with fiduciary responsibility who

37 | are not themselves current or former public guardians or

38 | employees with fiduciary responsibility ~~such persons;~~ and the

39 | names and locations of schools and day care facilities attended

40 | by the children of such persons are exempt from s. 119.07(1) and

41 | s. 24(a), Art. I of the State Constitution. ~~As used in this~~

42 | ~~section, the term "employee with fiduciary responsibility" means~~

43 | ~~an employee of a public guardian who has the ability to direct~~

44 | ~~any transactions of a ward's funds, assets, or property; who~~

45 | ~~under the supervision of the guardian, manages the care of the~~

46 | ~~ward; or who makes any health care decision, as defined in s.~~

47 | ~~765.101, on behalf of the ward.~~ This exemption applies to

48 | information held by an agency before, on, or after July 1, 2018.

49 | An agency that is the custodian of the information specified in

50 | this section shall maintain the exempt status of that

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51 information only if the current or former public guardians and
52 employees with fiduciary responsibility submit to the custodial
53 agency a written request for maintenance of the exemption. ~~This~~
54 ~~section is subject to the Open Government Sunset Review Act in~~
55 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
56 ~~2023, unless reviewed and saved from repeal through reenactment~~
57 ~~by the Legislature.~~

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