

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 of the exemption; providing an effective date.

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

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

19 744.21031 Public records exemption.—

20 (1) As used in this section, the terms:

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

23 (b) "Employee with fiduciary responsibility" means an
 24 employee of a public guardian who has the ability to direct any
 25 transactions of a ward's funds, assets, or property; who under

26 the supervision of the guardian, manages the care of the ward;
 27 or who makes any health care decision, as defined in s. 765.101,
 28 on behalf of the ward.

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

31 (2) The home addresses, telephone numbers, and dates of
 32 birth, ~~places of employment, and photographs~~ of current or
 33 former public guardians and employees with fiduciary
 34 responsibility; ~~photographs of former public guardians and~~
 35 employees with fiduciary responsibility; the names, home
 36 addresses, telephone numbers, and dates of birth, ~~and places of~~
 37 employment of the spouses and children of ~~current or former~~
 38 public guardians or employees with fiduciary responsibility, who
 39 are not themselves current or former public guardians or
 40 employees with fiduciary responsibility ~~such persons;~~ and the
 41 names and locations of schools and day care facilities attended
 42 by the children of such persons are exempt from s. 119.07(1) and
 43 s. 24(a), Art. I of the State Constitution. ~~As used in this~~
 44 section, the term ~~"employee with fiduciary responsibility"~~ means
 45 an employee of a public guardian who has the ability to direct
 46 any transactions of a ward's funds, assets, or property; who
 47 under the supervision of the guardian, manages the care of the
 48 ward; ~~or who makes any health care decision, as defined in s.~~
 49 765.101, on behalf of the ward. This exemption applies to
 50 information held by an agency before, on, or after July 1, 2018.

PCB EEG 23-06

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51 An agency that is the custodian of the information specified in
52 this section shall maintain the exempt status of that
53 information only if the current or former public guardians and
54 employees with fiduciary responsibility submit to the custodial
55 agency a written request for maintenance of the exemption. ~~This~~
56 ~~section is subject to the Open Government Sunset Review Act in~~
57 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
58 ~~2023, unless reviewed and saved from repeal through reenactment~~
59 ~~by the Legislature.~~

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