

CHAPTER 2023-263

Senate Bill No. 7000

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

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

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

744.21031 Public records exemption.—

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

(a) “Agency” has the same meaning as provided in s. 119.011.

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

(c) “Telephone numbers” has the same meaning as provided in s. 119.071(4)(d)1.b.

(2) The home addresses, telephone numbers, and dates of birth, places of employment, and photographs of current or former public guardians and employees with fiduciary responsibility; photographs of former public guardians and employees with fiduciary responsibility; the names, home addresses, telephone numbers, and dates of birth, and places of employment of the spouses and children of current or former public guardians and employees with fiduciary responsibility who are not themselves current or former public guardians or employees with fiduciary responsibility such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. As used in this section, the term “employee with fiduciary responsibility” means an employee of a public guardian who has the ability to direct any transactions of a ward’s funds, assets, or property; who under the supervision of the guardian, manages the care of the ward; or who makes any health care decision, as defined in s. 765.101, on behalf of the ward. This exemption applies to information held by an agency before, on, or after July 1, 2018. An agency that is the custodian

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

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

Approved by the Governor June 19, 2023.

Filed in Office Secretary of State June 19, 2023.