

Tab 1	CS/SB 154 by CJ, Thurston (CO-INTRODUCERS) Garcia ; (Similar to CS/H 0039) Autism Awareness Training for Law Enforcement Officers
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Tab 2	SB 210 by Passidomo ; Public Records/Public Guardians
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Garcia, Chair
Senator Torres, Vice Chair

MEETING DATE: Tuesday, February 21, 2017

TIME: 9:00—10:00 a.m.

PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Garcia, Chair; Senator Torres, Vice Chair; Senators Artiles, Broxson, Campbell, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 154 Criminal Justice / Thurston (Similar CS/H 39, Compare H 219)	Autism Awareness Training for Law Enforcement Officers; Requiring the Department of Law Enforcement to establish a continued employment training component relating to autism spectrum disorder, etc. CJ 02/06/2017 Fav/CS CF 02/21/2017 Favorable ACJ AP	Favorable Yeas 4 Nays 0
2	SB 210 Passidomo	Public Records/Public Guardians; Providing an exemption from public records requirements for certain identifying and location information of current or former public guardians and the spouses and children thereof; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CF 02/21/2017 Fav/CS GO RC	Fav/CS Yeas 4 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 154

INTRODUCER: Criminal Justice Committee and Senator Thurston and others

SUBJECT: Autism Awareness Training for Law Enforcement Officers

DATE: February 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Hrdlicka</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Crosier</u>	<u>Hendon</u>	<u>CF</u>	<u>Favorable</u>
3.	<u> </u>	<u> </u>	<u>ACJ</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 154 requires the Florida Department of Law Enforcement (FDLE) to establish continued employment training relating to autism spectrum disorder (ASD). Instruction must include, but is not limited to, instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. Completion of the training may count toward the 40 hours of required instruction for continued employment or appointment as a law enforcement officer.

The FDLE states that it is currently developing a course that will address the symptoms of ASD, how to respond to it, and who to call for assistance. This course will be available to all Florida law enforcement officers in the Spring of 2017, and completion of this course may count toward an officer's mandatory retraining credit. The FDLE believes this course should meet the objectives of the bill. The FDLE states the estimated total costs of developing this course (\$10,548) will be covered by current budget. Course development is funded by the Criminal Justice Standards and Training Trust Fund.

II. Present Situation:

Autism Spectrum Disorder

The Centers for Disease Control (CDC) estimates that one in 68 children have been identified with autism spectrum disorder.¹ The CDC defines “autism spectrum disorder” as a developmental disability that can cause significant social, communication, and behavioral challenges. Though there is nothing about how ASD people look that sets them apart from other people, the CDC states that people with ASD may communicate, interact, behave, and learn in ways that are different from most other people. The range of abilities of people with ASD can span from gifted to severely challenged.²

Though formerly diagnosed separately, autistic disorder, pervasive developmental disorder, and Asperger syndrome are now included in the diagnosis of ASD.³

The following definitions are codified in Florida law:

- “Autism” is a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.⁴
- “Developmental disability” is a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.⁵
- “Autism spectrum disorder” is any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:
 - Autistic disorder;
 - Asperger’s syndrome; and
 - Pervasive developmental disorder not otherwise specified.⁶

Interactions between law enforcement and persons with autism can be dangerous. Law enforcement officers may not understand the behaviors of a person with autism and such behaviors can be seen as a threat. Such interactions can lead to tragic results. An article in the Miami Herald July 20, 2016, reported that a caretaker for a man with autism was shot when the

¹ “Autism Spectrum Disorder (ASD), Autism and Developmental Disabilities Monitoring (ADDM) Network,” National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/ncbddd/autism/addm.html> (last visited on February 9, 2017). Data is from the Autism and Developmental Disabilities Monitoring Network.

² “Autism Spectrum Disorder (ASD), Facts about ASD,” National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/ncbddd/autism/facts.html> (last visited on February 9, 2017).

³ *Id.*

⁴ Section 393.063(5), F.S.

⁵ Section 393.063(12), F.S.

⁶ Sections 627.6686(2)(b) and 641.31098(2)(b), F.S.

autistic patient would not obey police commands. The caretaker recovered but the case highlights the dangers when law enforcement encounters persons with autism.⁷

Law Enforcement Training on Autism Spectrum Disorder

In order to maintain certification as a law enforcement officer, the officer must satisfy the continuing training and education requirements of s. 943.135, F.S., which requires officers, as a condition of continued employment or appointment, to receive continuing training or education at the rate of 40 hours every 4 years. The officer's employing agency⁸ must document that the continuing training or education is job-related and consistent with the needs of the employing agency, and report completion of the training to the Criminal Justice Standards and Training Commission (CJSTC) within the FDLE.⁹

The CJSTC does not currently offer specific post-basic training on ASD. Employing agencies that want to offer ASD training may seek such training directly from vendors, such as CIT International, or from CJSTC-certified training schools (contracting with vendors). CJSTC-certified training schools receive funding each fiscal year to provide post-basic training to officers at no charge.¹⁰ Additionally, ASD training is currently provided in the Crisis intervention Team Training (CIT) program ("Memphis Model"), a law enforcement-based crisis intervention team training program,¹¹ which is facilitated by the Florida Sheriffs Association.¹²

⁷ <http://www.miamiherald.com/news/local/crime/article90905442.html>

⁸ "Employing agency" means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. The term also includes any private entity which has contracted with the state or county for the operation and maintenance of a nonjuvenile detention facility. Section 943.10(4), F.S.

⁹ The CJSTC is a 19-member commission composed of law enforcement and correctional officers and officials, a state and county correctional institution administrator, and a state resident. Section 943.11, F.S. Its duties include, but are not limited to, "creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct." "Overview," Florida Department of Law Enforcement, available at <http://www.fdle.state.fl.us/cms/CJSTC/Overview.aspx> (last visited on February 9, 2017), and s. 943.12, F.S. Most of the information in this section of the analysis regarding law enforcement training on ASD is from the 2017 FDLE Legislative Bill Analysis (SB 154), dated December 20, 2017, Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice). This document is further referenced in this analysis as "FDLE Analysis." This section of the analysis also incorporates additional information provided by the FDLE via phone and e-mail communications (on file with the Senate Committee on Criminal Justice).

¹⁰ Currently, FDLE/CJSTC is providing more than \$5.1 million dollars to the training schools, which equates to \$67 per officer. The training schools are provided quarterly disbursements and provide training that meets local needs in accordance with CJSTC rules.

¹¹ The CIT program ("Memphis Model") is a crisis intervention team training program that was created in Memphis, Tennessee, in the late 1980's to provide "a collaborative approach to safely and effectively address the needs of persons with mental illnesses, link them to appropriate services, and divert them from the criminal justice system if appropriate." Watson, Amy C. and Fulambarker, Anjali J. "The Crisis Intervention Team Model of Police Response to Mental Health Crises: A Primer for Mental Health Practitioners," *Best Pract Ment Health*. 2012 Dec; 8(2): 71. This article is available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3769782/> (last visited on February 9, 2017). The model includes "specialized training for a select group of officers that volunteer to become CIT officers," but also includes "an organizational and community intervention that involves changes in police department procedures as well as collaboration with mental health providers and other community stakeholders." *Id.* "CIT curriculums may also include content on developmental disabilities, older adult issues, trauma and excited delirium." *Id.*

¹² During the 2015 Regular Session, the Attorney General's Office (through the Department of Legal Affairs) was appropriated recurring funding for three fiscal years to contract with the Florida Sheriffs Association to provide this CIT

The topic of ASD is included in two sections of the Florida Law Enforcement Academy basic recruit curriculum:

- Chapter 3 (Interactions in a Diverse Community), Unit 2 (Communicating in a Diverse Society), Lesson 3 (Developmental Disabilities); and
- Chapter 6 (Calls for Service), Unit 6 (Responding to a Person in Crisis), Lesson 2 (Intervention and Referral).

There is no set number of training hours specifically for autism spectrum disorder. For the purpose of reference, Chapter 3 (Interactions in a Diverse Community) is 40 classroom hours and Chapter 6 (Calls for Service) is 36 classroom hours. Instructors for each of the referenced chapters are given resources such as videos and links to informational websites to aid classroom instruction. An instructor guide is provided to all instructors that, along with the required activities, includes suggested activities. Examples of suggested activities are reviewing websites such as floridaautismcenter.info, florida-card.org, and autismfl.com, reviewing case law, and inviting a guest speaker from the Autism Society or a member of the Exceptional Student Education Program (ESE).

The FDLE's Criminal Justice Professionalism Division¹³ is developing a course that will address the symptoms of ASD, how to respond to persons with ASD, and who to call for assistance in responding to persons with ASD. The course is expected to be available to officers in Spring 2017.

III. Effect of Proposed Changes:

The bill creates s. 943.1727, F.S., which requires the FDLE to establish a continued employment training component relating to autism spectrum disorder as defined in s. 627.6686, F.S.¹⁴ Instruction must include, but is not limited to, instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135, F.S.

The bill takes effect on October 1, 2017.

program training statewide. According to the FDLE, if state funding is not appropriated beyond FY 2017-18, ASD training will still be available for Florida law enforcement agencies from vendors and the CJSTC-certified training schools.

¹³ The Criminal Justice Professionalism Division provides staff support to the Criminal Justice Standards & Training Commission (CJSTC), the Florida Medical Examiners Commission, and the Florida Accreditation Office. It is also responsible for the FDLE Criminal Justice Executive Institute, the Bureau of Professional Development, the Florida Alcohol Testing Program, the Florida Drug Abuse Resistance Education (D.A.R.E.) Program, and FDLE member training. "Overview," Florida Department of Law Enforcement, available at <http://www.fdle.state.fl.us/cms/CJSTC/Overview.aspx> (last visited on January 23, 2017).

¹⁴ Section 627.6686(2)(b), F.S., defines "autism spectrum disorder" as any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association: autistic disorder; Asperger's syndrome; and pervasive developmental disorder not otherwise specified.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the FDLE to establish a continued employment training component relating to autism spectrum disorder. The FDLE states that it is currently developing a course that will address the symptoms of ASD and will be available to all Florida law enforcement officers in the Spring of 2017. The FDLE believes this course should meet the objectives of the bill and the estimated total costs of developing this course (\$10,548) will be paid by the Criminal Justice Standards and Training Trust Fund.¹⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.1727 of the Florida Statutes.

¹⁵ FDLE Analysis and additional information provided by the FDLE via phone and e-mail communications (on file with the Senate Committee on Criminal Justice).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

- B. **Amendments:**

CS by Criminal Justice on February 6, 2017:

The Committee Substitute:

- Deletes reference to the term “online” so that continued employment training relating to autism spectrum disorder may be delivered by any appropriate means.
- Defines the term “autism spectrum disorder” by reference to the definition of that term in s. 627.6686, F.S.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

By the Committee on Criminal Justice; and Senators Thurston and Garcia

591-01706-17

2017154c1

A bill to be entitled

An act relating to autism awareness training for law enforcement officers; creating s. 943.1727, F.S.; requiring the Department of Law Enforcement to establish a continued employment training component relating to autism spectrum disorder; specifying instruction to be included in the training component; providing that completion of the training may count toward continued employment instruction requirements; providing an effective date.

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

Section 1. Section 943.1727, Florida Statutes, is created to read:

943.1727 Continued employment training relating to autism spectrum disorder.—The department shall establish a continued employment training component relating to autism spectrum disorder as defined in s. 627.6686. The training component shall include, but need not be limited to, instruction on the recognition of the symptoms and idiosyncrasies of an individual on the autism disorder spectrum and appropriate responses to a person exhibiting such symptoms and idiosyncrasies. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135.

Section 2. This act shall take effect October 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 21, 2017
Meeting Date

154
Bill Number (if applicable)

Topic Autism Awareness

Name Ken "KOPCHENSKI" KOPCZYNSKI

Job Title lobbyist

Address 300 East Brevard St
Street

Phone 222-3329

Talla FL 32301
City State Zip

Email Ken@flpba.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Fla. PBA Inc

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-21

Meeting Date

154

Bill Number (if applicable)

Topic Autism Training

Amendment Barcode (if applicable)

Name Susan Goldstein

Job Title Parent of Stephanie

Address 3158 Inverness

Phone 954 830-6300

Street

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City

State

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Email slgoldstein@a

home

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Stephanie Goldstein

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

COMMITTEE: Children, Families, and Elder Affairs
ITEM: CS/SB 154
FINAL ACTION: Favorable
MEETING DATE: Tuesday, February 21, 2017
TIME: 9:00—10:00 a.m.
PLACE: 401 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 210

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Passidomo

SUBJECT: Public Records/Public Guardians

DATE: February 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 210 provides that it is a public necessity that there be an exemption from public records requests for certain identifying information of current and former public guardians and their spouses and children. The bill provides the exemption is subject to the Open Government Sunset Review Act and unless reviewed and saved from repeal through reenactment by the Legislature shall be repealed on October 2, 2022.

There is an effective date of July 1, 2017, and there is no fiscal impact as a result of the legislation.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.²

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

In addition to the Florida Constitution, the Florida Statutes provides that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that:

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

Under the OGSR the purpose and necessity of reenacting the exemption are reviewed. The Legislature must consider the following questions during its review of an exemption:¹⁷

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁸ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁹

Guardianship

Guardianship is a concept whereby a “guardian” acts for another, called a “ward,” whom the law regards as incapable of managing his or her own affairs due to age or incapacity. Guardianships

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

¹⁷ Section 119.15(6)(a), F.S.

¹⁸ FLA. CONST., art. I, s. 24(c).

¹⁹ Section 119.15(7), F.S.

are generally disfavored due to the loss of individual civil rights, and a guardian may be appointed only if the court finds there is no sufficient alternative to guardianship.

There are two main forms of guardianship: guardianship over the person or guardianship over the property, which may be limited or plenary.²⁰ For adults, a guardianship may be established when a person has demonstrated that he or she is unable to manage his or her own affairs. If the adult is competent, this can be accomplished voluntarily. However, in situations where an individual's mental competence is in question, an involuntary guardianship may be established through the adjudication of incompetence which is based on the determination of a court appointed examination committee.²¹

Florida courts have long recognized the relationship between a guardian and his or her ward as a classic fiduciary relationship.²² A fiduciary relationship exists between two persons when one of them is under a duty to act for or to give advice for the benefit of another upon matters within the scope of that relationship.²³ The most basic duty of a fiduciary is the duty of loyalty: a fiduciary must refrain from self-dealing, must not take unfair advantage of the ward, must act in the best interest of the ward, and must disclose material facts.²⁴ In addition to the duty of loyalty, a fiduciary also owes a duty of care to carry out its responsibilities in an informed and considered manner.

Section 744.362, F.S., imposes specific duties upon a guardian consistent with the basic duties of a fiduciary including protecting and preserving the property of the ward's overall physical and social health. A guardian must file with the court an initial guardianship report,²⁵ an annual guardianship report,²⁶ and an annual accounting of the ward's property.²⁷ The reports provide evidence of the guardian's faithful execution of his or her fiduciary duties.²⁸

At the heart of a court's interpretation of a fiduciary relationship is a concern that persons who assume trustee-like positions with discretionary power over the interests of others might breach their duties and abuse their position. Section 744.446, F.S., explicitly states that the "fiduciary relationship which exists between the guardian and the ward may not be used for the private gain of the guardian other than the remuneration for fees and expenses provided by law." In the event of a breach by the guardian of the guardian's fiduciary duty, the court must take the necessary actions to protect the ward and the ward's assets.²⁹

²⁰ See generally, Section 744.102(9), F.S.

²¹ See generally, Section 744.102(12), F.S.

²² *Lawrence v. Norris*, 563 So. 2d 195, 197 (Fla. 1st DCA 1990).

²³ *Doe v. Evans*, 814 So. 2d 370, 374 (Fla. 2002).

²⁴ *Capital Bank v. MVP, Inc.* 644 So. 2d 515, 520 (Fla. 3d DCA 1994).

²⁵ Section 744.362, F.S.

²⁶ Section 744.367, F.S.

²⁷ Section 744.3678, F.S.

²⁸ Section 744.368(1), F.S.

²⁹ Section 744.446(4), F.S.

Public Guardianship Act

The Public Guardianship Act is recognized in s. 744.701, F.S. The Legislature created the Statewide Public Guardianship Office in 1999 to provide oversight for all public guardians.³⁰ The executive director of the Statewide Public Guardianship Office, after consultation with the chief judge and other judges within the judicial circuit may establish one or more office of public guardian within a judicial circuit.³¹ A public guardian may serve an incapacitated person if there is no family member or friend, other person, bank, or corporation willing and qualified to serve as guardian.³² A person serving as a public guardian is considered a professional guardian for purposes of regulation, education, and registration.³³ Public guardianship offices are in all 20 judicial circuits in the state.³⁴

Currently, the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of public guardians as well as the names and location of schools and day care facilities of the children of public guardians are subject to release pursuant to a public records request.

III. Effect of Proposed Changes:

Section 1 creates s. 744.21031, F.S., to allow the home addresses, telephone numbers, dates of birth, places of employment, and photographs of current or former public guardians; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former guardians; and the names and locations of schools and day care facilities attend by the children of current and former public guardians to be exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The public guardian must make reasonable efforts to protect such information from being accessible through other means available to the public.

The exemption is subject to the Open Government Sunset Review Act pursuant to s. 119.15, F.S., and will be repealed October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 states that the Legislature finds it is a public necessity that the identifying and location information of current and former public guardians, their spouses and children be exempt from s. 119.07(1) and s. 24(a), Article I of the State Constitution if the public guardian has made reasonable efforts to protect such information from being accessible through other means available to the public.

The Legislature also finds that the release of identifying and location information of current and former public guardians and their family members might place them in danger of physical and emotional harm from disgruntled individuals who make act inappropriately or seek revenge due to actions taken by public guardians. The Legislature further finds that harm that may result

³⁰ Chapter 99-277 L.O.F.

³¹ Section 744.703(1), F.S.

³² Section 744.704(1), F.S.

³³ Section 744.102(17), F.S.

³⁴ Children, Families, and Elder Affairs Committee staff meeting with the Department of Elder Affairs on February 2, 2015.

from the release of such personal identifying and location information outweighs any public benefit that may be derived from the disclosure of the information.

Section 3 provides an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Voting Requirement

Article I, Section 24(c) of the Florida Constitution requires a public necessity statement for a newly created public records exemption. The bill creates a public record exemption; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, Section 24(c) of the Florida Constitution requires a newly created public records exemption to be no broader than necessary to accomplish the state purpose of the law. The bill exempts certain identifying and location information of current and former public guardians, their spouses and children if the guardian provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 119.071 (4)

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on February 21, 2017:

The amendment moves the public records exemption for current and former public guardians from s. 119.071, F.S. and creates s. 744.21031, F.S., placing the public records exemption in Part II of the Professional and Public Guardianship statutes.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2017	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs
(Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

744.21031 Public records exemption.—The home addresses,
telephone numbers, dates of birth, places of employment, and
photographs of current or former public guardians; the names,
home addresses, telephone numbers, dates of birth, and places of



219628

employment of the spouses and children of 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. An agency that is
the custodian of information specified in this section shall
maintain the exempt status of that information only if the
current or former public guardian submits a written request for
maintenance of the exemption to the custodial agency. The
exemption in this section applies to information held by an
agency before, on, or after the effective date 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, 2022, unless reviewed and saved from repeal through
reenactment by the Legislature.

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

(a) The home addresses, telephone numbers, dates of birth,
places of employment, and photographs of current or former
public guardians;

(b) The names, home addresses, telephone numbers, dates of
birth, and places of employment of spouses and children of such
guardians; and

(c) The names and locations of schools and day care
facilities attended by the children of such guardians.

(2) The Legislature finds that the release of such
identifying and location information might place current or
former public guardians and their family members in danger of



219628

physical and emotional harm from disgruntled individuals who may
react inappropriately to actions taken by the public guardians.
Public guardians provide a valuable service to the community by
helping some of the state's most vulnerable residents. Public
guardians help those who lack a willing and qualified family
member or friend and do not have the income or assets to pay a
professional guardian. Despite the value of this service,
however, some persons may become disgruntled with the assistance
provided or the decisions a public guardian makes, which may
result in a guardian or the guardian's family members becoming
potential targets for an act of revenge. The risk continues
after a public guardian concludes his or her service because a
disgruntled individual may wait to commit an act of revenge
until the guardian concludes his or her service. The harm that
may result from the release of such personal identifying and
location information outweighs any public benefit that may be
derived from the disclosure of the information.

Section 3. This act shall take effect July 1, 2017.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to public records; creating s.
744.21031, F.S.; providing an exemption from public
records requirements for certain identifying and
location information of current or former public
guardians and the spouses and children thereof;



219628

69 providing for retroactive application; providing for
70 future legislative review and repeal of the exemption;
71 providing a statement of public necessity; providing
72 an effective date.

By Senator Passidomo

28-00326-17

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A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for certain identifying and location information of current or former public guardians and the spouses and children thereof; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term "telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a.(I) The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of active or former sworn or civilian law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection

28-00326-17

2017210__

and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1).

(II) The names of the spouses and children of active or former sworn or civilian law enforcement personnel and the other specified agency personnel identified in sub-sub-subparagraph (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(III) Sub-sub-subparagraph (II) is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

(IV) The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and

28-00326-17

2017210__

62 saved from repeal through reenactment by the Legislature.

63 b. The home addresses, telephone numbers, dates of birth,
64 and photographs of firefighters certified in compliance with s.
65 633.408; the home addresses, telephone numbers, photographs,
66 dates of birth, and places of employment of the spouses and
67 children of such firefighters; and the names and locations of
68 schools and day care facilities attended by the children of such
69 firefighters are exempt from s. 119.07(1).

70 c. The home addresses, dates of birth, and telephone
71 numbers of current or former justices of the Supreme Court,
72 district court of appeal judges, circuit court judges, and
73 county court judges; the home addresses, telephone numbers,
74 dates of birth, and places of employment of the spouses and
75 children of current or former justices and judges; and the names
76 and locations of schools and day care facilities attended by the
77 children of current or former justices and judges are exempt
78 from s. 119.07(1).

79 d.(I) The home addresses, telephone numbers, social
80 security numbers, dates of birth, and photographs of current or
81 former state attorneys, assistant state attorneys, statewide
82 prosecutors, or assistant statewide prosecutors; the home
83 addresses, telephone numbers, social security numbers,
84 photographs, dates of birth, and places of employment of the
85 spouses and children of current or former state attorneys,
86 assistant state attorneys, statewide prosecutors, or assistant
87 statewide prosecutors; and the names and locations of schools
88 and day care facilities attended by the children of current or
89 former state attorneys, assistant state attorneys, statewide
90 prosecutors, or assistant statewide prosecutors are exempt from

Page 3 of 13

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

28-00326-17

2017210__

91 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

92 (II) The names of the spouses and children of current or
93 former state attorneys, assistant state attorneys, statewide
94 prosecutors, or assistant statewide prosecutors are exempt from
95 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

96 (III) Sub-sub-subparagraph (II) is subject to the Open
97 Government Sunset Review Act in accordance with s. 119.15, and
98 shall stand repealed on October 2, 2018, unless reviewed and
99 saved from repeal through reenactment by the Legislature.

100 e. The home addresses, dates of birth, and telephone
101 numbers of general magistrates, special magistrates, judges of
102 compensation claims, administrative law judges of the Division
103 of Administrative Hearings, and child support enforcement
104 hearing officers; the home addresses, telephone numbers, dates
105 of birth, and places of employment of the spouses and children
106 of general magistrates, special magistrates, judges of
107 compensation claims, administrative law judges of the Division
108 of Administrative Hearings, and child support enforcement
109 hearing officers; and the names and locations of schools and day
110 care facilities attended by the children of general magistrates,
111 special magistrates, judges of compensation claims,
112 administrative law judges of the Division of Administrative
113 Hearings, and child support enforcement hearing officers are
114 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
115 Constitution if the general magistrate, special magistrate,
116 judge of compensation claims, administrative law judge of the
117 Division of Administrative Hearings, or child support hearing
118 officer provides a written statement that the general
119 magistrate, special magistrate, judge of compensation claims,

Page 4 of 13

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

28-00326-17

2017210__

administrative law judge of the Division of Administrative Hearings, or child support hearing officer has made reasonable efforts to protect such information from being accessible through other means available to the public.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the

28-00326-17

2017210__

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, if the guardian ad litem provides a written statement that the guardian ad litem has made reasonable efforts to protect such information from being accessible through other means available to the public.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. (I) The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such

28-00326-17

2017210__

defenders or counsel; and the names and locations of schools and day care facilities attended by the children of such defenders or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(II) The names of the spouses and children of the specified agency personnel identified in sub-sub-subparagraph (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

k. The home addresses, telephone numbers, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the investigator or inspector has made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

l. The home addresses and telephone numbers of county tax collectors; the names, home addresses, telephone numbers, and places of employment of the spouses and children of such tax

28-00326-17

2017210__

collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the county tax collector has made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the personnel have made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

28-00326-17

2017210__

236 n. The home addresses, telephone numbers, dates of birth,
 237 and photographs of current or former impaired practitioner
 238 consultants who are retained by an agency or current or former
 239 employees of an impaired practitioner consultant whose duties
 240 result in a determination of a person's skill and safety to
 241 practice a licensed profession; the names, home addresses,
 242 telephone numbers, dates of birth, and places of employment of
 243 the spouses and children of such consultants or their employees;
 244 and the names and locations of schools and day care facilities
 245 attended by the children of such consultants or employees are
 246 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 247 Constitution if a consultant or employee has made reasonable
 248 efforts to protect such information from being accessible
 249 through other means available to the public. This sub-
 250 subparagraph is subject to the Open Government Sunset Review Act
 251 in accordance with s. 119.15 and shall stand repealed on October
 252 2, 2020, unless reviewed and saved from repeal through
 253 reenactment by the Legislature.

254 o. The home addresses, telephone numbers, dates of birth,
 255 and photographs of current or former emergency medical
 256 technicians or paramedics certified under chapter 401; the
 257 names, home addresses, telephone numbers, dates of birth, and
 258 places of employment of the spouses and children of such
 259 emergency medical technicians or paramedics; and the names and
 260 locations of schools and day care facilities attended by the
 261 children of such emergency medical technicians or paramedics are
 262 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 263 Constitution if the emergency medical technicians or paramedics
 264 have made reasonable efforts to protect such information from

28-00326-17

2017210__

265 being accessible through other means available to the public.
 266 This sub-subparagraph is subject to the Open Government Sunset
 267 Review Act in accordance with s. 119.15 and shall stand repealed
 268 on October 2, 2021, unless reviewed and saved from repeal
 269 through reenactment by the Legislature.

270 p. The home addresses, telephone numbers, dates of birth,
 271 and photographs of current or former personnel employed in an
 272 agency's office of inspector general or internal audit
 273 department whose duties include auditing or investigating waste,
 274 fraud, abuse, theft, exploitation, or other activities that
 275 could lead to criminal prosecution or administrative discipline;
 276 the names, home addresses, telephone numbers, dates of birth,
 277 and places of employment of spouses and children of such
 278 personnel; and the names and locations of schools and day care
 279 facilities attended by the children of such personnel are exempt
 280 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
 281 if the personnel have made reasonable efforts to protect such
 282 information from being accessible through other means available
 283 to the public. This sub-subparagraph is subject to the Open
 284 Government Sunset Review Act in accordance with s. 119.15 and
 285 shall stand repealed on October 2, 2021, unless reviewed and
 286 saved from repeal through reenactment by the Legislature.

287 g. The home addresses, telephone numbers, dates of birth,
 288 places of employment, and photographs of current or former
 289 public guardians, as designated under chapter 744; the names,
 290 home addresses, telephone numbers, dates of birth, and places of
 291 employment of the spouses and children of such persons; and the
 292 names and locations of schools and day care facilities attended
 293 by the children of such persons are exempt from s. 119.07(1) and

28-00326-17

2017210__

s. 24(a), Art. I of the State Constitution if the public guardian provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for maintenance of the exemption to the custodial agency.

4. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

5. Except as otherwise expressly provided in this paragraph, this paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that the following identifying and location information be exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution if the public guardian has made reasonable efforts to protect such information

28-00326-17

2017210__

from being accessible through other means available to the public:

(a) The home addresses, telephone numbers, dates of birth, places of employment, and photographs of current or former public guardians, as designated under chapter 744, Florida Statutes;

(b) The names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such guardians; and

(c) The names and locations of schools and day care facilities attended by the children of such guardians.

(2) The Legislature finds that the release of such identifying and location information might place current or former public guardians and their family members in danger of physical and emotional harm from disgruntled individuals who may react inappropriately to actions taken by public guardians. Public guardians provide a valuable service to the community by helping some of the state's most vulnerable residents. Public guardians help those who lack a willing and qualified family member or friend and do not have the income or assets to pay a professional guardian. Despite the value of this service, however, some persons may become disgruntled with the assistance provided or the decisions a public guardian makes, which may result in a guardian or their family members becoming a potential target for an act of revenge. The risk continues after a public guardian concludes his or her service because a disgruntled individual may wait to commit an act of revenge until the guardian concludes his or her service. The harm that may result from the release of such personal identifying and

28-00326-17

2017210__

352 location information outweighs any public benefit that may be
353 derived from the disclosure of the information.

354 Section 3. This act shall take effect July 1, 2017.

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 210
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, February 21, 2017
TIME: 9:00—10:00 a.m.
PLACE: 401 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Finance and Tax, *Chair*
Appropriations Subcommittee on Health and Human Services, *Vice Chair*
Appropriations
Children, Families, and Elder Affairs
Communications, Energy, and Public Utilities
Military and Veterans Affairs, Space, and Domestic Security

SENATOR KELLI STARGEL

Deputy Majority Leader
22nd District

February 16, 2017

The Honorable Rene Garcia
Senate Children, Families, and Elder Affairs Committee, Chair
310 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Garcia:

I request to be excused from the February 21st committee meeting for Children, Families, and Elder Affairs. I will be presenting SB 346 in the Commerce and Tourism committee.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Senator Kelli Stargel
District 22

Cc: Claude Hendon / Staff Director
Nikki Lowery / AA
Allie Mattice / MO analyst

REPLY TO:

- ☐ 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803 (863) 668-3028
- ☐ 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

CourtSmart Tag Report

Room: SB 401

Case No.:

Caption: Senate Committee on Children, Families, and Elder Affairs

Type:

Judge:

Started: 2/21/2017 9:02:14 AM

Ends: 2/21/2017 9:13:43 AM **Length:** 00:11:30

9:02:16 AM Meeting Called to order
9:02:28 AM Roll Called
9:02:33 AM Quorum Present
9:02:43 AM SB 210 Sen Passidomo explains
9:03:07 AM Sen. Passidomo further explains SB 210
9:03:47 AM Call for questions
9:04:01 AM Sen Artiles discussion
9:04:37 AM V.C. calls for vote on bill as amended
9:04:59 AM Sen Passidomo waves to close
9:05:10 AM CS SB 210 passes favorably
9:05:31 AM SB 154
9:05:45 AM Sen Thurston explains
9:06:54 AM V.C calls for questions on bill
9:07:02 AM Ken P waves in support
9:07:09 AM Susan Goldstein, autism parent, speaks in support
9:09:31 AM V.C. calls for debate on the bill
9:09:45 AM Sen Campbell discussion
9:11:36 AM Sen Artiles discussion
9:12:08 AM Sen Thurston closes on the bill
9:12:35 AM Roll Call CS SB 154
9:13:09 AM SB 154 passes favorably
9:13:21 AM Meeting adjourned