

2014390er

1
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for certain identifying
5 information of specific current and former personnel
6 of the Department of Health and the spouses and
7 children of such personnel, under specified
8 circumstances; providing for future legislative review
9 and repeal of the exemption under the Open Government
10 Sunset Review Act; providing a statement of public
11 necessity; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Paragraph (d) of subsection (4) of section
16 119.071, Florida Statutes, is amended to read:

17 119.071 General exemptions from inspection or copying of
18 public records.—

19 (4) AGENCY PERSONNEL INFORMATION.—

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

25 2.a.(I) The home addresses, telephone numbers, social
26 security numbers, dates of birth, and photographs of active or
27 former sworn or civilian law enforcement personnel, including
28 correctional and correctional probation officers, personnel of
29 the Department of Children and Families whose duties include the

2014390er

30 investigation of abuse, neglect, exploitation, fraud, theft, or
31 other criminal activities, personnel of the Department of Health
32 whose duties are to support the investigation of child abuse or
33 neglect, and personnel of the Department of Revenue or local
34 governments whose responsibilities include revenue collection
35 and enforcement or child support enforcement; the home
36 addresses, telephone numbers, social security numbers,
37 photographs, dates of birth, and places of employment of the
38 spouses and children of such personnel; and the names and
39 locations of schools and day care facilities attended by the
40 children of such personnel are exempt from s. 119.07(1).

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

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

50 b. The home addresses, telephone numbers, dates of birth,
51 and photographs of firefighters certified in compliance with s.
52 633.408; the home addresses, telephone numbers, photographs,
53 dates of birth, and places of employment of the spouses and
54 children of such firefighters; and the names and locations of
55 schools and day care facilities attended by the children of such
56 firefighters are exempt from s. 119.07(1).

57 c. The home addresses, dates of birth, and telephone
58 numbers of current or former justices of the Supreme Court,

2014390er

59 district court of appeal judges, circuit court judges, and
60 county court judges; the home addresses, telephone numbers,
61 dates of birth, and places of employment of the spouses and
62 children of current or former justices and judges; and the names
63 and locations of schools and day care facilities attended by the
64 children of current or former justices and judges are exempt
65 from s. 119.07(1).

66 d.(I) The home addresses, telephone numbers, social
67 security numbers, dates of birth, and photographs of current or
68 former state attorneys, assistant state attorneys, statewide
69 prosecutors, or assistant statewide prosecutors; the home
70 addresses, telephone numbers, social security numbers,
71 photographs, dates of birth, and places of employment of the
72 spouses and children of current or former state attorneys,
73 assistant state attorneys, statewide prosecutors, or assistant
74 statewide prosecutors; and the names and locations of schools
75 and day care facilities attended by the children of current or
76 former state attorneys, assistant state attorneys, statewide
77 prosecutors, or assistant statewide prosecutors are exempt from
78 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

87 e. The home addresses, dates of birth, and telephone

2014390er

88 numbers of general magistrates, special magistrates, judges of
89 compensation claims, administrative law judges of the Division
90 of Administrative Hearings, and child support enforcement
91 hearing officers; the home addresses, telephone numbers, dates
92 of birth, and places of employment of the spouses and children
93 of general magistrates, special magistrates, judges of
94 compensation claims, administrative law judges of the Division
95 of Administrative Hearings, and child support enforcement
96 hearing officers; and the names and locations of schools and day
97 care facilities attended by the children of general magistrates,
98 special magistrates, judges of compensation claims,
99 administrative law judges of the Division of Administrative
100 Hearings, and child support enforcement hearing officers are
101 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
102 Constitution if the general magistrate, special magistrate,
103 judge of compensation claims, administrative law judge of the
104 Division of Administrative Hearings, or child support hearing
105 officer provides a written statement that the general
106 magistrate, special magistrate, judge of compensation claims,
107 administrative law judge of the Division of Administrative
108 Hearings, or child support hearing officer has made reasonable
109 efforts to protect such information from being accessible
110 through other means available to the public.

111 f. The home addresses, telephone numbers, dates of birth,
112 and photographs of current or former human resource, labor
113 relations, or employee relations directors, assistant directors,
114 managers, or assistant managers of any local government agency
115 or water management district whose duties include hiring and
116 firing employees, labor contract negotiation, administration, or

2014390er

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 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

2014390er

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. 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 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.

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

2014390er

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.

1. 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 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

2014390er

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 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.

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. The Legislature finds that it is a public

2014390er

necessity that 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; that the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and that the names and locations of schools and day care facilities attended by the children of such personnel be made exempt from public record requirements. The Legislature finds that the release of such identifying and location information might place these current or former personnel of the Department of Health and their family members in danger of physical and emotional harm from disgruntled individuals who have contentious reactions to actions carried out by such personnel of the Department of Health, or whose business or professional practices have come under the scrutiny of investigators and inspectors of the Department of Health. The Legislature further finds that 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 upon becoming a law.