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1
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for the personal identifying and
5 location information of certain nonsworn investigative
6 personnel of the Department of Financial Services and
7 the names and personal identifying and location
8 information of the spouses and children of such
9 personnel; providing an exemption from public records
10 requirements for certain identifying and location
11 information of current or former emergency medical
12 technicians or paramedics certified under ch. 401,
13 F.S., and the spouses and children of such emergency
14 medical technicians or paramedics, under specified
15 circumstances; providing for future review and repeal
16 of the exemptions; providing statements of public
17 necessity; providing an effective date.
18

19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Paragraph (d) of subsection (4) of section
22 119.071, Florida Statutes, is amended to read:

23 119.071 General exemptions from inspection or copying of
24 public records.—

25 (4) AGENCY PERSONNEL INFORMATION.—

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

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30 devices.

31 2.a.(I) The home addresses, telephone numbers, social
32 security numbers, dates of birth, and photographs of active or
33 former sworn or civilian law enforcement personnel, including
34 correctional and correctional probation officers, personnel of
35 the Department of Children and Families whose duties include the
36 investigation of abuse, neglect, exploitation, fraud, theft, or
37 other criminal activities, personnel of the Department of Health
38 whose duties are to support the investigation of child abuse or
39 neglect, and personnel of the Department of Revenue or local
40 governments whose responsibilities include revenue collection
41 and enforcement or child support enforcement; the home
42 addresses, telephone numbers, social security numbers,
43 photographs, dates of birth, and places of employment of the
44 spouses and children of such personnel; and the names and
45 locations of schools and day care facilities attended by the
46 children of such personnel are exempt from s. 119.07(1).

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

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

56 (IV) The home addresses, telephone numbers, dates of birth,
57 and photographs of current or former nonsworn investigative
58 personnel of the Department of Financial Services whose duties

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59 include the investigation of fraud, theft, workers' compensation
60 coverage requirements and compliance, other related criminal
61 activities, or state regulatory requirement violations; the
62 names, home addresses, telephone numbers, dates of birth, and
63 places of employment of the spouses and children of such
64 personnel; and the names and locations of schools and day care
65 facilities attended by the children of such personnel are exempt
66 from s. 119.07(1) and s. 24(a), Art. I of the State
67 Constitution. This sub-sub-subparagraph is subject to the Open
68 Government Sunset Review Act in accordance with s. 119.15 and
69 shall stand repealed on October 2, 2021, unless reviewed and
70 saved from repeal through reenactment by the Legislature.

71 b. The home addresses, telephone numbers, dates of birth,
72 and photographs of firefighters certified in compliance with s.
73 633.408; the home addresses, telephone numbers, photographs,
74 dates of birth, and places of employment of the spouses and
75 children of such firefighters; and the names and locations of
76 schools and day care facilities attended by the children of such
77 firefighters are exempt from s. 119.07(1).

78 c. The home addresses, dates of birth, and telephone
79 numbers of current or former justices of the Supreme Court,
80 district court of appeal judges, circuit court judges, and
81 county court judges; the home addresses, telephone numbers,
82 dates of birth, and places of employment of the spouses and
83 children of current or former justices and judges; and the names
84 and locations of schools and day care facilities attended by the
85 children of current or former justices and judges are exempt
86 from s. 119.07(1).

87 d.(I) The home addresses, telephone numbers, social

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88 security numbers, dates of birth, and photographs of current or
89 former state attorneys, assistant state attorneys, statewide
90 prosecutors, or assistant statewide prosecutors; the home
91 addresses, telephone numbers, social security numbers,
92 photographs, dates of birth, and places of employment of the
93 spouses and children of current or former state attorneys,
94 assistant state attorneys, statewide prosecutors, or assistant
95 statewide prosecutors; and the names and locations of schools
96 and day care facilities attended by the children of current or
97 former state attorneys, assistant state attorneys, statewide
98 prosecutors, or assistant statewide prosecutors are exempt from
99 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

108 e. The home addresses, dates of birth, and telephone
109 numbers of general magistrates, special magistrates, judges of
110 compensation claims, administrative law judges of the Division
111 of Administrative Hearings, and child support enforcement
112 hearing officers; the home addresses, telephone numbers, dates
113 of birth, and places of employment of the spouses and children
114 of general magistrates, special magistrates, judges of
115 compensation claims, administrative law judges of the Division
116 of Administrative Hearings, and child support enforcement

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117 hearing officers; and the names and locations of schools and day
118 care facilities attended by the children of general magistrates,
119 special magistrates, judges of compensation claims,
120 administrative law judges of the Division of Administrative
121 Hearings, and child support enforcement hearing officers are
122 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
123 Constitution if the general magistrate, special magistrate,
124 judge of compensation claims, administrative law judge of the
125 Division of Administrative Hearings, or child support hearing
126 officer provides a written statement that the general
127 magistrate, special magistrate, judge of compensation claims,
128 administrative law judge of the Division of Administrative
129 Hearings, or child support hearing officer has made reasonable
130 efforts to protect such information from being accessible
131 through other means available to the public.

132 f. The home addresses, telephone numbers, dates of birth,
133 and photographs of current or former human resource, labor
134 relations, or employee relations directors, assistant directors,
135 managers, or assistant managers of any local government agency
136 or water management district whose duties include hiring and
137 firing employees, labor contract negotiation, administration, or
138 other personnel-related duties; the names, home addresses,
139 telephone numbers, dates of birth, and places of employment of
140 the spouses and children of such personnel; and the names and
141 locations of schools and day care facilities attended by the
142 children of such personnel are exempt from s. 119.07(1) and s.
143 24(a), Art. I of the State Constitution.

144 g. The home addresses, telephone numbers, dates of birth,
145 and photographs of current or former code enforcement officers;

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146 the names, home addresses, telephone numbers, dates of birth,
147 and places of employment of the spouses and children of such
148 personnel; and the names and locations of schools and day care
149 facilities attended by the children of such personnel are exempt
150 from s. 119.07(1) and s. 24(a), Art. I of the State
151 Constitution.

152 h. The home addresses, telephone numbers, places of
153 employment, dates of birth, and photographs of current or former
154 guardians ad litem, as defined in s. 39.820; the names, home
155 addresses, telephone numbers, dates of birth, and places of
156 employment of the spouses and children of such persons; and the
157 names and locations of schools and day care facilities attended
158 by the children of such persons are exempt from s. 119.07(1) and
159 s. 24(a), Art. I of the State Constitution, if the guardian ad
160 litem provides a written statement that the guardian ad litem
161 has made reasonable efforts to protect such information from
162 being accessible through other means available to the public.

163 i. The home addresses, telephone numbers, dates of birth,
164 and photographs of current or former juvenile probation
165 officers, juvenile probation supervisors, detention
166 superintendents, assistant detention superintendents, juvenile
167 justice detention officers I and II, juvenile justice detention
168 officer supervisors, juvenile justice residential officers,
169 juvenile justice residential officer supervisors I and II,
170 juvenile justice counselors, juvenile justice counselor
171 supervisors, human services counselor administrators, senior
172 human services counselor administrators, rehabilitation
173 therapists, and social services counselors of the Department of
174 Juvenile Justice; the names, home addresses, telephone numbers,

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175 dates of birth, and places of employment of spouses and children
176 of such personnel; and the names and locations of schools and
177 day care facilities attended by the children of such personnel
178 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
179 Constitution.

180 j.(I) The home addresses, telephone numbers, dates of
181 birth, and photographs of current or former public defenders,
182 assistant public defenders, criminal conflict and civil regional
183 counsel, and assistant criminal conflict and civil regional
184 counsel; the home addresses, telephone numbers, dates of birth,
185 and places of employment of the spouses and children of such
186 defenders or counsel; and the names and locations of schools and
187 day care facilities attended by the children of such defenders
188 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
189 the State Constitution.

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

197 k. The home addresses, telephone numbers, and photographs
198 of current or former investigators or inspectors of the
199 Department of Business and Professional Regulation; the names,
200 home addresses, telephone numbers, and places of employment of
201 the spouses and children of such current or former investigators
202 and inspectors; and the names and locations of schools and day
203 care facilities attended by the children of such current or

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204 former investigators and inspectors are exempt from s. 119.07(1)
205 and s. 24(a), Art. I of the State Constitution if the
206 investigator or inspector has made reasonable efforts to protect
207 such information from being accessible through other means
208 available to the public. This sub-subparagraph is subject to the
209 Open Government Sunset Review Act in accordance with s. 119.15
210 and shall stand repealed on October 2, 2017, unless reviewed and
211 saved from repeal through reenactment by the Legislature.

212 1. The home addresses and telephone numbers of county tax
213 collectors; the names, home addresses, telephone numbers, and
214 places of employment of the spouses and children of such tax
215 collectors; and the names and locations of schools and day care
216 facilities attended by the children of such tax collectors are
217 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
218 Constitution if the county tax collector has made reasonable
219 efforts to protect such information from being accessible
220 through other means available to the public. This sub-
221 subparagraph is subject to the Open Government Sunset Review Act
222 in accordance with s. 119.15 and shall stand repealed on October
223 2, 2017, unless reviewed and saved from repeal through
224 reenactment by the Legislature.

225 m. The home addresses, telephone numbers, dates of birth,
226 and photographs of current or former personnel of the Department
227 of Health whose duties include, or result in, the determination
228 or adjudication of eligibility for social security disability
229 benefits, the investigation or prosecution of complaints filed
230 against health care practitioners, or the inspection of health
231 care practitioners or health care facilities licensed by the
232 Department of Health; the names, home addresses, telephone

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233 numbers, dates of birth, and places of employment of the spouses
234 and children of such personnel; and the names and locations of
235 schools and day care facilities attended by the children of such
236 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
237 the State Constitution if the personnel have made reasonable
238 efforts to protect such information from being accessible
239 through other means available to the public. This sub-
240 subparagraph is subject to the Open Government Sunset Review Act
241 in accordance with s. 119.15 and shall stand repealed on October
242 2, 2019, unless reviewed and saved from repeal through
243 reenactment by the Legislature.

244 n. The home addresses, telephone numbers, dates of birth,
245 and photographs of current or former impaired practitioner
246 consultants who are retained by an agency or current or former
247 employees of an impaired practitioner consultant whose duties
248 result in a determination of a person's skill and safety to
249 practice a licensed profession; the names, home addresses,
250 telephone numbers, dates of birth, and places of employment of
251 the spouses and children of such consultants or their employees;
252 and the names and locations of schools and day care facilities
253 attended by the children of such consultants or employees are
254 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
255 Constitution if a consultant or employee has made reasonable
256 efforts to protect such information from being accessible
257 through other means available to the public. This sub-
258 subparagraph is subject to the Open Government Sunset Review Act
259 in accordance with s. 119.15 and shall stand repealed on October
260 2, 2020, unless reviewed and saved from repeal through
261 reenactment by the Legislature.

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262 o. The home addresses, telephone numbers, dates of birth,
263 and photographs of current or former emergency medical
264 technicians or paramedics certified under chapter 401; the
265 names, home addresses, telephone numbers, dates of birth, and
266 places of employment of the spouses and children of such
267 emergency medical technicians or paramedics; and the names and
268 locations of schools and day care facilities attended by the
269 children of such emergency medical technicians or paramedics are
270 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
271 Constitution if the emergency medical technicians or paramedics
272 have made reasonable efforts to protect such information from
273 being accessible through other means available to the public.
274 This sub-subparagraph is subject to the Open Government Sunset
275 Review Act in accordance with s. 119.15 and shall stand repealed
276 on October 2, 2021, unless reviewed and saved from repeal
277 through reenactment by the Legislature.

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

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

289 5. Except as otherwise expressly provided in this
290 paragraph, this paragraph is subject to the Open Government

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291 Sunset Review Act in accordance with s. 119.15, and shall stand
292 repealed on October 2, 2017, unless reviewed and saved from
293 repeal through reenactment by the Legislature.

294 Section 2. The Legislature finds that it is a public
295 necessity to exempt from public records requirements the home
296 addresses, telephone numbers, dates of birth, and photographs of
297 current or former nonsworn investigative personnel of the
298 Department of Financial Services whose duties include the
299 investigation of fraud, theft, workers' compensation coverage
300 requirements and compliance, other related criminal activities,
301 or state regulatory requirement violations; the names, home
302 addresses, telephone numbers, dates of birth, and places of
303 employment of the spouses and children of such personnel; and
304 the names and locations of schools and day care facilities
305 attended by the children of such personnel. The efforts of such
306 personnel can lead to arrests and prosecutions for crimes up to
307 and including first degree felony violations and can also result
308 in the loss of commerce and property, the assessment of monetary
309 finances, or the suspension or loss of professional licenses. The
310 department has documented numerous instances of personnel who
311 have been threatened and who have feared repercussions as a
312 result of carrying out their duties. These threats have included
313 weapons being brandished, verbal threats made to harm them or
314 their family members, harassment, and intimidation. The
315 Legislature finds that the release of such personal identifying
316 and location information might place these nonsworn
317 investigative personnel of the department and their family
318 members in danger of physical and emotional harm from
319 disgruntled individuals who have contentious reactions to

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320 actions taken by such personnel, or whose business or
321 professional practices have come under the scrutiny of such
322 personnel. The Legislature further finds that the harm that may
323 result from the release of such personal identifying and
324 location information outweighs any public benefit that may be
325 derived from the disclosure of the information.

326 Section 3. The Legislature finds that it is a public
327 necessity that the home addresses, telephone numbers, dates of
328 birth, and photographs of current or former emergency medical
329 technicians or paramedics certified under chapter 401, Florida
330 Statutes; that the names, home addresses, telephone numbers, and
331 places of employment of the spouses and children of such
332 emergency medical technicians or paramedics; and that the names
333 and locations of schools and day care facilities attended by the
334 children of such emergency medical technicians or paramedics be
335 exempt from public records requirements if the emergency medical
336 technicians or paramedics have made reasonable efforts to
337 protect such information from being accessible through other
338 means available to the public. Emergency medical technicians or
339 paramedics are public safety officers whose duties as first
340 responders to accidents and life-threatening events often place
341 them in traumatic circumstances in which loss of life and severe
342 bodily injuries have occurred. They often deal with violent,
343 angry, or mentally unstable individuals. As a result, the
344 Legislature finds that release of identifying and location
345 information of emergency medical technicians or paramedics
346 certified under chapter 401, Florida Statutes, or the spouses
347 and children of such emergency medical technicians or
348 paramedics, could place them in danger of being physically or

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349 emotionally harmed or stalked by a person who has a hostile
350 reaction to his or her encounter with such emergency medical
351 technicians or paramedics. The Legislature further finds that
352 the harm that may result from the release of such identifying
353 and location information outweighs any public benefit that may
354 be derived from the disclosure of the information.

355 Section 4. This act shall take effect upon becoming a law.