

By the Committee on Governmental Oversight and Accountability;
and Senator Steube

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; expanding an exemption from public
4 records requirements for the personal identifying and
5 location information of certain firefighters and their
6 spouses and children to include the personal
7 identifying and location information of former
8 firefighters and their spouses and children, and the
9 names of spouses and children of current and former
10 firefighters; specifying the application of s. 24(a),
11 Article I of the State Constitution to the exemption;
12 providing for future legislative review and repeal of
13 the exemption; providing a statement of public
14 necessity; providing an effective date.

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

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18 Section 1. Paragraph (d) of subsection (4) of section
19 119.071, Florida Statutes, is amended to read:

20 119.071 General exemptions from inspection or copying of
21 public records.—

22 (4) AGENCY PERSONNEL INFORMATION.—

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

28 2.a.(I) The home addresses, telephone numbers, social
29 security numbers, dates of birth, and photographs of active or

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

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

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

53 (IV) The home addresses, telephone numbers, dates of birth,
54 and photographs of current or former nonsworn investigative
55 personnel of the Department of Financial Services whose duties
56 include the investigation of fraud, theft, workers' compensation
57 coverage requirements and compliance, other related criminal
58 activities, or state regulatory requirement violations; the

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59 names, home addresses, telephone numbers, dates of birth, and
60 places of employment of the spouses and children of such
61 personnel; and the names and locations of schools and day care
62 facilities attended by the children of such personnel are exempt
63 from s. 119.07(1) and s. 24(a), Art. I of the State
64 Constitution. This sub-sub-subparagraph is subject to the Open
65 Government Sunset Review Act in accordance with s. 119.15 and
66 shall stand repealed on October 2, 2021, unless reviewed and
67 saved from repeal through reenactment by the Legislature.

68 b. The home addresses, telephone numbers, dates of birth,
69 and photographs of current or former firefighters certified in
70 compliance with s. 633.408; the names, home addresses, telephone
71 numbers, photographs, dates of birth, and places of employment
72 of the spouses and children of such firefighters; and the names
73 and locations of schools and day care facilities attended by the
74 children of such firefighters are exempt from s. 119.07(1) and
75 s. 24(a), Art. I of the State Constitution. This sub-
76 subparagraph is subject to the Open Government Sunset Review Act
77 in accordance with s. 119.15, and shall stand repealed on
78 October 2, 2022, unless reviewed and saved from repeal through
79 reenactment by the Legislature.

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

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88 from s. 119.07(1).

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

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

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

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

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

134 f. The home addresses, telephone numbers, dates of birth,
135 and photographs of current or former human resource, labor
136 relations, or employee relations directors, assistant directors,
137 managers, or assistant managers of any local government agency
138 or water management district whose duties include hiring and
139 firing employees, labor contract negotiation, administration, or
140 other personnel-related duties; the names, home addresses,
141 telephone numbers, dates of birth, and places of employment of
142 the spouses and children of such personnel; and the names and
143 locations of schools and day care facilities attended by the
144 children of such personnel are exempt from s. 119.07(1) and s.
145 24(a), Art. I of the State Constitution.

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

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

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

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175 therapists, and social services counselors of the Department of
176 Juvenile Justice; the names, home addresses, telephone numbers,
177 dates of birth, and places of employment of spouses and children
178 of such personnel; and the names and locations of schools and
179 day care facilities attended by the children of such personnel
180 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
181 Constitution.

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

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

199 k. The home addresses, telephone numbers, and photographs
200 of current or former investigators or inspectors of the
201 Department of Business and Professional Regulation; the names,
202 home addresses, telephone numbers, and places of employment of
203 the spouses and children of such current or former investigators

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

214 1. The home addresses and telephone numbers of county tax
215 collectors; the names, home addresses, telephone numbers, and
216 places of employment of the spouses and children of such tax
217 collectors; and the names and locations of schools and day care
218 facilities attended by the children of such tax collectors are
219 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
220 Constitution if the county tax collector has made reasonable
221 efforts to protect such information from being accessible
222 through other means available to the public. This sub-
223 subparagraph is subject to the Open Government Sunset Review Act
224 in accordance with s. 119.15 and shall stand repealed on October
225 2, 2017, unless reviewed and saved from repeal through
226 reenactment by the Legislature.

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

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233 care practitioners or health care facilities licensed by the
234 Department of Health; the names, home addresses, telephone
235 numbers, dates of birth, and places of employment of the spouses
236 and children of such personnel; and the names and locations of
237 schools and day care facilities attended by the children of such
238 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
239 the State Constitution if the personnel have made reasonable
240 efforts to protect such information from being accessible
241 through other means available to the public. This sub-
242 subparagraph is subject to the Open Government Sunset Review Act
243 in accordance with s. 119.15 and shall stand repealed on October
244 2, 2019, unless reviewed and saved from repeal through
245 reenactment by the Legislature.

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

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262 2, 2020, unless reviewed and saved from repeal through
263 reenactment by the Legislature.

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

280 p. The home addresses, telephone numbers, dates of birth,
281 and photographs of current or former personnel employed in an
282 agency's office of inspector general or internal audit
283 department whose duties include auditing or investigating waste,
284 fraud, abuse, theft, exploitation, or other activities that
285 could lead to criminal prosecution or administrative discipline;
286 the names, home addresses, telephone numbers, dates of birth,
287 and places of employment of spouses and children of such
288 personnel; and the names and locations of schools and day care
289 facilities attended by the children of such personnel are exempt
290 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution

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291 if the personnel have made reasonable efforts to protect such
292 information from being accessible through other means available
293 to the public. This sub-subparagraph is subject to the Open
294 Government Sunset Review Act in accordance with s. 119.15 and
295 shall stand repealed on October 2, 2021, unless reviewed and
296 saved from repeal through reenactment by the Legislature.

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

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

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

313 Section 2. (1) The Legislature finds that it is a public
314 necessity to expand the exemption from public records
315 requirements currently applicable to the home addresses,
316 telephone numbers, dates of birth, and photographs of
317 firefighters certified under s. 633.408, Florida Statutes; the
318 home addresses, telephone numbers, photographs, dates of birth,
319 and places of employment of the spouses and children of such

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320 firefighters; and the names and locations of schools and day
321 care facilities attended by the children of such firefighters to
322 also include former firefighters and their spouses and children.
323 The personal identifying and location information of other
324 former first responders, such as former law enforcement
325 officers, and their family members, are currently exempt from
326 public records requirements. Firefighters often respond to
327 serious emergency situations, ranging from domestic violence to
328 homicide, and the release of personal identifying and location
329 information may place former firefighters and their family
330 members in danger of serious physical or emotional harm by
331 hostile individuals. This danger continues after a firefighter
332 leaves employment.

333 (2) The Legislature also finds that it is a public
334 necessity to exempt the names of the spouses and children of
335 current and former firefighters from public records
336 requirements. A disgruntled individual may seek revenge against
337 a firefighter by targeting his or her the spouse or child.
338 Releasing the names of a spouses and children makes it easier to
339 locate and target them for acts of revenge.

340 (3) The Legislature finds that it is a public necessity to
341 exempt the personal identifying and location information of
342 current and former firefighters, and their spouses and children,
343 including the names of their spouses and children, from s.
344 24(a), Article I of the State Constitution in order to prevent
345 disclosure of information that can be used to identify or locate
346 current and former firefighters and their spouses and children.
347 It is in the public interest to fully protect these governmental
348 employees and their families and ensure that their identifying

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349 and location information is exempt from public disclosure when
350 it is held by an entity in the executive, legislative, or
351 judicial branch of government.

352 (4) The harm that may result from the release of personal
353 identifying and location information of current and former
354 firefighters and their families, as well as the names of the
355 spouses and children of current and former firefighters,
356 outweighs any public benefit that may be derived from the
357 disclosure of such information. Therefore, the Legislature finds
358 that it is a public necessity that the home addresses, telephone
359 numbers, dates of birth, and photographs of current or former
360 firefighters certified under s. 633.408, Florida Statutes; the
361 names, home addresses, telephone numbers, photographs, dates of
362 birth, and places of employment of the spouses and children of
363 such firefighters; and the names and locations of schools and
364 day care facilities attended by the children of such
365 firefighters be made exempt from s. 119.07(1), Florida Statutes,
366 and s. 24(a), Article I of the State Constitution.

367 Section 3. This act shall take effect October 1, 2017.