

1 A bill to be entitled
 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 and
 5 location information of current or former directors,
 6 managers, supervisors, nurses, and clinical employees
 7 of an addiction treatment facility, and the spouses
 8 and children thereof; providing a definition;
 9 providing for future legislative review and repeal of
 10 the exemption; requiring such personnel to submit a
 11 specified written request to a custodial agency to
 12 maintain the exempt status of such information in
 13 certain circumstances; providing for retroactive
 14 application; providing a statement of public
 15 necessity; providing an effective date.

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

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 19 Section 1. Paragraph (d) of subsection (4) of section
 20 119.071, Florida Statutes, is amended to read:

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

23 (4) AGENCY PERSONNEL INFORMATION.—

24 (d)1. For purposes of this paragraph, the term "telephone
 25 numbers" includes home telephone numbers, personal cellular

26 | telephone numbers, personal pager telephone numbers, and
27 | telephone numbers associated with personal communications
28 | devices.

29 | 2.a. The home addresses, telephone numbers, dates of
30 | birth, and photographs of active or former sworn or civilian law
31 | enforcement personnel, including correctional and correctional
32 | probation officers, personnel of the Department of Children and
33 | Families whose duties include the investigation of abuse,
34 | neglect, exploitation, fraud, theft, or other criminal
35 | activities, personnel of the Department of Health whose duties
36 | are to support the investigation of child abuse or neglect, and
37 | personnel of the Department of Revenue or local governments
38 | whose responsibilities include revenue collection and
39 | enforcement or child support enforcement; the names, home
40 | addresses, telephone numbers, photographs, dates of birth, and
41 | places of employment of the spouses and children of such
42 | personnel; and the names and locations of schools and day care
43 | facilities attended by the children of such personnel are exempt
44 | from s. 119.07(1) and s. 24(a), Art. I of the State
45 | Constitution. This sub-subparagraph is subject to the Open
46 | Government Sunset Review Act in accordance with s. 119.15 and
47 | shall stand repealed on October 2, 2022, unless reviewed and
48 | saved from repeal through reenactment by the Legislature.

49 | b. The home addresses, telephone numbers, dates of birth,
50 | and photographs of current or former nonsworn investigative

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

64 c. The home addresses, telephone numbers, dates of birth,
65 and photographs of current or former nonsworn investigative
66 personnel of the Office of Financial Regulation's Bureau of
67 Financial Investigations whose duties include the investigation
68 of fraud, theft, other related criminal activities, or state
69 regulatory requirement violations; the names, home addresses,
70 telephone numbers, dates of birth, and places of employment of
71 the spouses and children of such personnel; and the names and
72 locations of schools and day care facilities attended by the
73 children of such personnel are exempt from s. 119.07(1) and s.
74 24(a), Art. I of the State Constitution. This sub-subparagraph
75 is subject to the Open Government Sunset Review Act in

76 | accordance with s. 119.15 and shall stand repealed on October 2,
77 | 2022, unless reviewed and saved from repeal through reenactment
78 | by the Legislature.

79 | d. The home addresses, telephone numbers, dates of birth,
80 | and photographs of current or former firefighters certified in
81 | compliance with s. 633.408; the names, home addresses, telephone
82 | numbers, photographs, dates of birth, and places of employment
83 | of the spouses and children of such firefighters; and the names
84 | and locations of schools and day care facilities attended by the
85 | children of such firefighters are exempt from s. 119.07(1) and
86 | s. 24(a), Art. I of the State Constitution. This sub-
87 | subparagraph is subject to the Open Government Sunset Review Act
88 | in accordance with s. 119.15, and shall stand repealed on
89 | October 2, 2022, unless reviewed and saved from repeal through
90 | reenactment by the Legislature.

91 | e. The home addresses, dates of birth, and telephone
92 | numbers of current or former justices of the Supreme Court,
93 | district court of appeal judges, circuit court judges, and
94 | county court judges; the names, home addresses, telephone
95 | numbers, dates of birth, and places of employment of the spouses
96 | and children of current or former justices and judges; and the
97 | names and locations of schools and day care facilities attended
98 | by the children of current or former justices and judges are
99 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
100 | Constitution. This sub-subparagraph is subject to the Open

101 Government Sunset Review Act in accordance with s. 119.15 and
102 shall stand repealed on October 2, 2022, unless reviewed and
103 saved from repeal through reenactment by the Legislature.

104 f. The home addresses, telephone numbers, dates of birth,
105 and photographs of current or former state attorneys, assistant
106 state attorneys, statewide prosecutors, or assistant statewide
107 prosecutors; the names, home addresses, telephone numbers,
108 photographs, dates of birth, and places of employment of the
109 spouses and children of current or former state attorneys,
110 assistant state attorneys, statewide prosecutors, or assistant
111 statewide prosecutors; and the names and locations of schools
112 and day care facilities attended by the children of current or
113 former state attorneys, assistant state attorneys, statewide
114 prosecutors, or assistant statewide prosecutors are exempt from
115 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

116 g. The home addresses, dates of birth, and telephone
117 numbers of general magistrates, special magistrates, judges of
118 compensation claims, administrative law judges of the Division
119 of Administrative Hearings, and child support enforcement
120 hearing officers; the names, home addresses, telephone numbers,
121 dates of birth, and places of employment of the spouses and
122 children of general magistrates, special magistrates, judges of
123 compensation claims, administrative law judges of the Division
124 of Administrative Hearings, and child support enforcement
125 hearing officers; and the names and locations of schools and day

126 care facilities attended by the children of general magistrates,
127 special magistrates, judges of compensation claims,
128 administrative law judges of the Division of Administrative
129 Hearings, and child support enforcement hearing officers are
130 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
131 Constitution. This sub-subparagraph is subject to the Open
132 Government Sunset Review Act in accordance with s. 119.15 and
133 shall stand repealed on October 2, 2022, unless reviewed and
134 saved from repeal through reenactment by the Legislature.

135 h. The home addresses, telephone numbers, dates of birth,
136 and photographs of current or former human resource, labor
137 relations, or employee relations directors, assistant directors,
138 managers, or assistant managers of any local government agency
139 or water management district whose duties include hiring and
140 firing employees, labor contract negotiation, administration, or
141 other personnel-related duties; the names, home addresses,
142 telephone numbers, dates of birth, and places of employment of
143 the spouses and children of such personnel; and the names and
144 locations of schools and day care facilities attended by the
145 children of such personnel are exempt from s. 119.07(1) and s.
146 24(a), Art. I of the State Constitution.

147 i. The home addresses, telephone numbers, dates of birth,
148 and photographs of current or former code enforcement officers;
149 the names, home addresses, telephone numbers, dates of birth,
150 and places of employment of the spouses and children of such

151 personnel; and the names and locations of schools and day care
152 facilities attended by the children of such personnel are exempt
153 from s. 119.07(1) and s. 24(a), Art. I of the State
154 Constitution.

155 j. The home addresses, telephone numbers, places of
156 employment, dates of birth, and photographs of current or former
157 guardians ad litem, as defined in s. 39.820; the names, home
158 addresses, telephone numbers, dates of birth, and places of
159 employment of the spouses and children of such persons; and the
160 names and locations of schools and day care facilities attended
161 by the children of such persons are exempt from s. 119.07(1) and
162 s. 24(a), Art. I of the State Constitution. This sub-
163 subparagraph is subject to the Open Government Sunset Review Act
164 in accordance with s. 119.15 and shall stand repealed on October
165 2, 2022, unless reviewed and saved from repeal through
166 reenactment by the Legislature.

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

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

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

194 m. The home addresses, telephone numbers, dates of birth,
195 and photographs of current or former investigators or inspectors
196 of the Department of Business and Professional Regulation; the
197 names, home addresses, telephone numbers, dates of birth, and
198 places of employment of the spouses and children of such current
199 or former investigators and inspectors; and the names and
200 locations of schools and day care facilities attended by the

201 children of such current or former investigators and inspectors
202 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
203 Constitution. This sub-subparagraph is subject to the Open
204 Government Sunset Review Act in accordance with s. 119.15 and
205 shall stand repealed on October 2, 2022, unless reviewed and
206 saved from repeal through reenactment by the Legislature.

207 n. The home addresses, telephone numbers, and dates of
208 birth of county tax collectors; the names, home addresses,
209 telephone numbers, dates of birth, and places of employment of
210 the spouses and children of such tax collectors; and the names
211 and locations of schools and day care facilities attended by the
212 children of such tax collectors are exempt from s. 119.07(1) and
213 s. 24(a), Art. I of the State Constitution. This sub-
214 subparagraph is subject to the Open Government Sunset Review Act
215 in accordance with s. 119.15 and shall stand repealed on October
216 2, 2022, unless reviewed and saved from repeal through
217 reenactment by the Legislature.

218 o. The home addresses, telephone numbers, dates of birth,
219 and photographs of current or former personnel of the Department
220 of Health whose duties include, or result in, the determination
221 or adjudication of eligibility for social security disability
222 benefits, the investigation or prosecution of complaints filed
223 against health care practitioners, or the inspection of health
224 care practitioners or health care facilities licensed by the
225 Department of Health; the names, home addresses, telephone

226 numbers, dates of birth, and places of employment of the spouses
227 and children of such personnel; and the names and locations of
228 schools and day care facilities attended by the children of such
229 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
230 the State Constitution. This sub-subparagraph is subject to the
231 Open Government Sunset Review Act in accordance with s. 119.15
232 and shall stand repealed on October 2, 2019, unless reviewed and
233 saved from repeal through reenactment by the Legislature.

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

249 q. The home addresses, telephone numbers, dates of birth,
250 and photographs of current or former emergency medical

251 technicians or paramedics certified under chapter 401; the
252 names, home addresses, telephone numbers, dates of birth, and
253 places of employment of the spouses and children of such
254 emergency medical technicians or paramedics; and the names and
255 locations of schools and day care facilities attended by the
256 children of such emergency medical technicians or paramedics are
257 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
258 Constitution. This sub-subparagraph is subject to the Open
259 Government Sunset Review Act in accordance with s. 119.15 and
260 shall stand repealed on October 2, 2021, unless reviewed and
261 saved from repeal through reenactment by the Legislature.

262 r. The home addresses, telephone numbers, dates of birth,
263 and photographs of current or former personnel employed in an
264 agency's office of inspector general or internal audit
265 department whose duties include auditing or investigating waste,
266 fraud, abuse, theft, exploitation, or other activities that
267 could lead to criminal prosecution or administrative discipline;
268 the names, home addresses, telephone numbers, dates of birth,
269 and places of employment of spouses and children of such
270 personnel; and the names and locations of schools and day care
271 facilities attended by the children of such personnel are exempt
272 from s. 119.07(1) and s. 24(a), Art. I of the State
273 Constitution. This sub-subparagraph is subject to the Open
274 Government Sunset Review Act in accordance with s. 119.15 and
275 shall stand repealed on October 2, 2021, unless reviewed and

276 saved from repeal through reenactment by the Legislature.

277 s. The home addresses, telephone numbers, social security
278 numbers, dates of birth, and photographs of current or former
279 directors, managers, supervisors, nurses, and clinical employees
280 of an addiction treatment facility; the home addresses,
281 telephone numbers, social security numbers, photographs, dates
282 of birth, and places of employment of the spouses and children
283 of such personnel; and the names and locations of schools and
284 day care facilities attended by the children of such personnel
285 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
286 Constitution. For purposes of this sub-subparagraph, the term
287 "addiction treatment facility" means a county government, or
288 agency thereof, that is licensed pursuant to s. 397.401, and
289 provides substance abuse prevention, intervention, or clinical
290 treatment, including any licensed service component described in
291 s. 397.311(26). This sub-subparagraph is subject to the Open
292 Government Sunset Review Act in accordance with s. 119.15 and
293 shall stand repealed on October 2, 2023, unless reviewed and
294 saved from repeal through reenactment by the Legislature.

295 3. An agency that is the custodian of the information
296 specified in subparagraph 2. and that is not the employer of the
297 officer, employee, justice, judge, or other person specified in
298 subparagraph 2. shall maintain the exempt status of that
299 information only if the officer, employee, justice, judge, other
300 person, or employing agency of the designated employee submits a

301 written request for maintenance of the exemption to the
302 custodial agency.

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

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

310 (a) The home addresses, telephone numbers, social security
311 numbers, dates of birth, and photographs of current or former
312 directors, managers, supervisors, nurses, and clinical employees
313 of an addiction treatment facility.

314 (b) The home addresses, telephone numbers, social security
315 numbers, photographs, dates of birth, and places of employment
316 of the spouses and children of personnel identified in paragraph
317 (a).

318 (c) The names and locations of schools and day care
319 facilities attended by the children of personnel identified in
320 paragraph (a).

321 (2) The Legislature finds that the release of such
322 identifying and location information may place current or former
323 directors, managers, supervisors, nurses, and clinical employees
324 of an addiction treatment facility and their family members in
325 danger of physical and emotional harm from disgruntled

326 individuals who may react inappropriately and violently to
327 actions taken by such directors, managers, supervisors, nurses,
328 or clinical employees. Individuals with substance use and mental
329 health disorders are some of this state's most vulnerable
330 residents, and such personnel provide these individuals with
331 valuable services that are supportive, necessary, and
332 appropriate. Despite the value of these services, some
333 individuals may become disgruntled with the assistance provided
334 or the recommendations or decisions such personnel make, which
335 may result in such personnel or their family members becoming a
336 target of an act of revenge. The risk continues after such
337 personnel concludes his or her service because a disgruntled
338 individual may wait to commit an act of revenge until after such
339 personnel has concluded his or her service. The harm that may
340 result from the release of such identifying and location
341 information outweighs any public benefit that may be derived
342 from the disclosure of the information. Therefore, the
343 Legislature finds that the identifying and location information
344 of directors, managers, supervisors, nurses, or clinical
345 employees of an addiction treatment facility and their spouses
346 and children must be held exempt from public records
347 requirements.

348 Section 3. This act shall take effect July 1, 2018.