

By the Committee on Criminal Justice; and Senator Perry

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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 the personal identifying and  
5       location information of commissioners and commission  
6       investigators of the Florida Commission on Offender  
7       Review and the names and personal identifying and  
8       location information of the spouses and children of  
9       such personnel; providing for future review and repeal  
10      of the exemption; providing an exemption from public  
11      records requirements for the personal identifying and  
12      location information of school administrators and the  
13      names and personal identifying and location  
14      information of the spouses and children of the school  
15      administrators; providing statements of public  
16      necessity; providing an effective date.

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

19  
20       Section 1. Paragraph (d) of subsection (4) of section  
21       119.071, Florida Statutes, is amended to read:

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

24       (4) AGENCY PERSONNEL INFORMATION.—

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

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30           2.a. The home addresses, telephone numbers, dates of birth,  
31 and photographs of active or former sworn or civilian law  
32 enforcement personnel, including correctional and correctional  
33 probation officers, personnel of the Department of Children and  
34 Families whose duties include the investigation of abuse,  
35 neglect, exploitation, fraud, theft, or other criminal  
36 activities, personnel of the Department of Health whose duties  
37 are to support the investigation of child abuse or neglect, and  
38 personnel of the Department of Revenue or local governments  
39 whose responsibilities include revenue collection and  
40 enforcement or child support enforcement; the names, home  
41 addresses, telephone numbers, photographs, dates of birth, and  
42 places of employment of the spouses and children of such  
43 personnel; and the names and locations of schools and day care  
44 facilities attended by the children of such personnel are exempt  
45 from s. 119.07(1) and s. 24(a), Art. I of the State  
46 Constitution. This sub-subparagraph is subject to the Open  
47 Government Sunset Review Act in accordance with s. 119.15 and  
48 shall stand repealed on October 2, 2022, 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 current or former nonsworn investigative  
52 personnel of the Department of Financial Services whose duties  
53 include the investigation of fraud, theft, workers' compensation  
54 coverage requirements and compliance, other related criminal  
55 activities, or state regulatory requirement violations; the  
56 names, home addresses, telephone numbers, dates of birth, and  
57 places of employment of the spouses and children of such  
58 personnel; and the names and locations of schools and day care

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59 facilities attended by the children of such personnel are exempt  
60 from s. 119.07(1) and s. 24(a), Art. I of the State  
61 Constitution. This sub-subparagraph is subject to the Open  
62 Government Sunset Review Act in accordance with s. 119.15 and  
63 shall stand repealed on October 2, 2021, unless reviewed and  
64 saved from repeal through reenactment by the Legislature.

65 c. The home addresses, telephone numbers, dates of birth,  
66 and photographs of current or former nonsworn investigative  
67 personnel of the Office of Financial Regulation's Bureau of  
68 Financial Investigations whose duties include the investigation  
69 of fraud, theft, other related criminal activities, or state  
70 regulatory requirement violations; the names, home addresses,  
71 telephone numbers, dates of birth, and places of employment of  
72 the spouses and children of such personnel; and the names and  
73 locations of schools and day care facilities attended by the  
74 children of such personnel are exempt from s. 119.07(1) and s.  
75 24(a), Art. I of the State Constitution. This sub-subparagraph  
76 is subject to the Open Government Sunset Review Act in  
77 accordance with s. 119.15 and shall stand repealed on October 2,  
78 2022, unless reviewed and saved from repeal through reenactment  
79 by the Legislature.

80 d. The home addresses, telephone numbers, dates of birth,  
81 and photographs of current or former firefighters certified in  
82 compliance with s. 633.408; the names, home addresses, telephone  
83 numbers, photographs, dates of birth, and places of employment  
84 of the spouses and children of such firefighters; and the names  
85 and locations of schools and day care facilities attended by the  
86 children of such firefighters are exempt from s. 119.07(1) and  
87 s. 24(a), Art. I of the State Constitution. This sub-

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88 subparagraph is subject to the Open Government Sunset Review Act  
89 in accordance with s. 119.15, and shall stand repealed on  
90 October 2, 2022, unless reviewed and saved from repeal through  
91 reenactment by the Legislature.

92 e. The home addresses, dates of birth, and telephone  
93 numbers of current or former justices of the Supreme Court,  
94 district court of appeal judges, circuit court judges, and  
95 county court judges; the names, home addresses, telephone  
96 numbers, dates of birth, and places of employment of the spouses  
97 and children of current or former justices and judges; and the  
98 names and locations of schools and day care facilities attended  
99 by the children of current or former justices and judges are  
100 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
101 Constitution. This sub-subparagraph is subject to the Open  
102 Government Sunset Review Act in accordance with s. 119.15 and  
103 shall stand repealed on October 2, 2022, unless reviewed and  
104 saved from repeal through reenactment by the Legislature.

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

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117 g. The home addresses, dates of birth, and telephone  
118 numbers of general magistrates, special magistrates, judges of  
119 compensation claims, administrative law judges of the Division  
120 of Administrative Hearings, and child support enforcement  
121 hearing officers; the names, home addresses, telephone numbers,  
122 dates of birth, and places of employment of the spouses and  
123 children of general magistrates, special magistrates, judges of  
124 compensation claims, administrative law judges of the Division  
125 of Administrative Hearings, and child support enforcement  
126 hearing officers; and the names and locations of schools and day  
127 care facilities attended by the children of general magistrates,  
128 special magistrates, judges of compensation claims,  
129 administrative law judges of the Division of Administrative  
130 Hearings, and child support enforcement hearing officers are  
131 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
132 Constitution. This sub-subparagraph is subject to the Open  
133 Government Sunset Review Act in accordance with s. 119.15 and  
134 shall stand repealed on October 2, 2022, unless reviewed and  
135 saved from repeal through reenactment by the Legislature.

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

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146 children of such personnel are exempt from s. 119.07(1) and s.  
147 24(a), Art. I of the State Constitution.

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

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

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

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

185       1. The home addresses, telephone numbers, dates of birth,  
186 and photographs of current or former public defenders, assistant  
187 public defenders, criminal conflict and civil regional counsel,  
188 and assistant criminal conflict and civil regional counsel; the  
189 names, home addresses, telephone numbers, dates of birth, and  
190 places of employment of the spouses and children of current or  
191 former public defenders, assistant public defenders, criminal  
192 conflict and civil regional counsel, and assistant criminal  
193 conflict and civil regional counsel; and the names and locations  
194 of schools and day care facilities attended by the children of  
195 current or former public defenders, assistant public defenders,  
196 criminal conflict and civil regional counsel, and assistant  
197 criminal conflict and civil regional counsel are exempt from s.  
198 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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204 or former investigators and inspectors; and the names and  
205 locations of schools and day care facilities attended by the  
206 children of such current or former investigators and inspectors  
207 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
208 Constitution. This sub-subparagraph is subject to the Open  
209 Government Sunset Review Act in accordance with s. 119.15 and  
210 shall stand repealed on October 2, 2022, unless reviewed and  
211 saved from repeal through reenactment by the Legislature.

212 n. The home addresses, telephone numbers, and dates of  
213 birth of county tax collectors; the names, home addresses,  
214 telephone numbers, dates of birth, and places of employment of  
215 the spouses and children of such tax collectors; and the names  
216 and locations of schools and day care facilities attended by the  
217 children of such tax collectors are exempt from s. 119.07(1) and  
218 s. 24(a), Art. I of the State Constitution. This sub-  
219 subparagraph is subject to the Open Government Sunset Review Act  
220 in accordance with s. 119.15 and shall stand repealed on October  
221 2, 2022, unless reviewed and saved from repeal through  
222 reenactment by the Legislature.

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

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233 schools and day care facilities attended by the children of such  
234 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
235 the State Constitution. This sub-subparagraph is subject to the  
236 Open Government Sunset Review Act in accordance with s. 119.15  
237 and shall stand repealed on October 2, 2019, unless reviewed and  
238 saved from repeal through reenactment by the Legislature.

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

254 q. 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

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262 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
263 Constitution. This sub-subparagraph is subject to the Open  
264 Government Sunset Review Act in accordance with s. 119.15 and  
265 shall stand repealed on October 2, 2021, unless reviewed and  
266 saved from repeal through reenactment by the Legislature.

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

282 s. The home addresses, telephone numbers, dates of birth,  
283 and photographs of current or former directors, managers,  
284 supervisors, nurses, and clinical employees of an addiction  
285 treatment facility; the home addresses, telephone numbers,  
286 photographs, dates of birth, and places of employment of the  
287 spouses and children of such personnel; and the names and  
288 locations of schools and day care facilities attended by the  
289 children of such personnel are exempt from s. 119.07(1) and s.  
290 24(a), Art. I of the State Constitution. For purposes of this

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291 sub-subparagraph, the term "addiction treatment facility" means  
292 a county government, or agency thereof, that is licensed  
293 pursuant to s. 397.401 and provides substance abuse prevention,  
294 intervention, or clinical treatment, including any licensed  
295 service component described in s. 397.311(26). This sub-  
296 subparagraph is subject to the Open Government Sunset Review Act  
297 in accordance with s. 119.15 and shall stand repealed on October  
298 2, 2023, unless reviewed and saved from repeal through  
299 reenactment by the Legislature.

300 t. The home addresses, telephone numbers, dates of birth,  
301 and photographs of current or former directors, managers,  
302 supervisors, and clinical employees of a child advocacy center  
303 that meets the standards of s. 39.3035(1) and fulfills the  
304 screening requirement of s. 39.3035(2), and the members of a  
305 child protection team as described in s. 39.303 whose duties  
306 include supporting the investigation of child abuse or sexual  
307 abuse, child abandonment, child neglect, and child exploitation  
308 or to provide services as part of a multidisciplinary case  
309 review team; the names, home addresses, telephone numbers,  
310 photographs, dates of birth, and places of employment of the  
311 spouses and children of such personnel and members; and the  
312 names and locations of schools and day care facilities attended  
313 by the children of such personnel and members are exempt from s.  
314 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
315 sub-subparagraph is subject to the Open Government Sunset Review  
316 Act in accordance with s. 119.15 and shall stand repealed on  
317 October 2, 2023, unless reviewed and saved from repeal through  
318 reenactment by the Legislature.

319 u. The home addresses, telephone numbers, dates of birth, and

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320 photographs of current or former commissioners or commission  
321 investigators of the Florida Commission on Offender Review; the  
322 names, home addresses, telephone numbers, dates of birth,  
323 photographs, and places of employment of the spouses and  
324 children of such current or former commissioners and commission  
325 investigators; and the names and locations of schools and day  
326 care facilities attended by the children of such current or  
327 former commissioners and commission investigators are exempt  
328 from s. 119.07(1) and s. 24(a), Art. I of the State  
329 Constitution. This sub-subparagraph is subject to the Open  
330 Government Sunset Review Act in accordance with s. 119.15 and  
331 shall stand repealed on October 2, 2024, unless reviewed and  
332 saved from repeal through reenactment by the Legislature. v. The  
333 home addresses, telephone numbers, and dates of birth of school  
334 administrators as described in 1012.01(3)(c), the names, home  
335 addresses, telephone numbers, dates of birth, and places of  
336 employment of the spouses and children of school administrators,  
337 and the names and locations of schools and day care facilities  
338 attended by the children of school administrators are exempt  
339 from s. 119.07(1) and s. 24(a), Art. I of the State  
340 Constitution. This sub-subparagraph is subject to the Open  
341 Government Sunset Review Act in accordance with s. 119.15 and  
342 shall stand repealed on October 2, 2024, unless reviewed and  
343 saved from repeal through reenactment by the Legislature.

344 3. An agency that is the custodian of the information  
345 specified in subparagraph 2. and that is not the employer of the  
346 officer, employee, justice, judge, or other person specified in  
347 subparagraph 2. shall maintain the exempt status of that  
348 information only if the officer, employee, justice, judge, other

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349 person, or employing agency of the designated employee submits a  
350 written request for maintenance of the exemption to the  
351 custodial agency.

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

355  
356 Section 2. (1) (a) The Legislature finds that it is a public  
357 necessity to exempt from public records requirements the home  
358 addresses, telephone numbers, dates of birth, and photographs of  
359 current or former commissioners or commission investigators of  
360 the Florida Commission on Offender Review; the names, home  
361 addresses, telephone numbers, dates of birth, photographs, and  
362 places of employment of the spouses and children of such current  
363 or former commissioners and commission investigators; and the  
364 names and locations of schools and day care facilities attended  
365 by the children of such current or former commissioners and  
366 commission investigators.

367 (b) The efforts of commissioners and commission  
368 investigators can have a direct effect on which persons are  
369 placed on parole or released on conditional medical release; on  
370 the terms and conditions of those persons released on parole,  
371 conditional release, conditional medical release, or addiction  
372 recovery supervision; and on the determination of whether a  
373 releasee has violated the terms of his or her parole. The  
374 Legislature finds that the release of such personal identifying  
375 information and location information might place these personnel  
376 of the Florida Commission on Offender Review and their family  
377 members in danger of physical and emotional harm by disgruntled

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378 individuals who react contentiously to actions taken by such  
379 personnel. The Legislature further finds that the harm that may  
380 result from the release of such personal identifying and  
381 location information outweighs any public benefit that may be  
382 derived from the disclosure of such information.

383 (2) (a) The Legislature finds that it is a public necessity  
384 to exempt from public records requirements the home addresses,  
385 telephone numbers, and dates of birth of school administrators;  
386 the places of employment of the spouses and children of school  
387 administrators; and the names and locations of schools and day  
388 care facilities attended by the children of school  
389 administrators.

390 (b) School administrators are charged with making decisions  
391 related to the discipline, suspension, or expulsion of students;  
392 reporting the presence of illicit substances on campus;  
393 reporting attendance issues that may result in the suspension of  
394 a student's driving privileges; or sanctions against the parents  
395 of truant students. The efforts of school administrators affect  
396 the academic placement of students, their promotion between  
397 grades, and their graduation. Such efforts include the reporting  
398 of students' absences, incidents of misbehavior, and students'  
399 academic achievements to the district superintendent. The  
400 efforts of school administrators also affect the employment of  
401 school personnel and can result in the transfer or suspension of  
402 employees. The Legislature finds that the release of such  
403 personal identifying information and location information might  
404 place these school administrators and their family members in  
405 danger of physical and emotional harm by disgruntled individuals  
406 who react contentiously to actions taken by such personnel. The

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407 Legislature further finds that the harm that may result from the  
408 release of such personal identifying and location information  
409 outweighs any public benefit that may be derived from the  
410 disclosure of such information.

411 Section 3. This act shall take effect upon becoming a law.

412