

By the Committee on Health Policy; and Senator Hays

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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 certain identifying  
5           information of specific current and former personnel  
6           of the Department of Health and the spouses and  
7           children of such personnel, under specified  
8           circumstances; providing for future legislative review  
9           and repeal of the exemption under the Open Government  
10          Sunset Review Act; providing a statement of public  
11          necessity; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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

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

19           (4) AGENCY PERSONNEL INFORMATION.—

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

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

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

42 b. The home addresses, telephone numbers, dates of birth,  
43 and photographs of firefighters certified in compliance with s.  
44 633.35; the home addresses, telephone numbers, photographs,  
45 dates of birth, and places of employment of the spouses and  
46 children of such firefighters; and the names and locations of  
47 schools and day care facilities attended by the children of such  
48 firefighters are exempt from s. 119.07(1).

49 c. The home addresses, dates of birth, and telephone  
50 numbers of current or former justices of the Supreme Court,  
51 district court of appeal judges, circuit court judges, and  
52 county court judges; the home addresses, telephone numbers,  
53 dates of birth, and places of employment of the spouses and  
54 children of current or former justices and judges; and the names  
55 and locations of schools and day care facilities attended by the  
56 children of current or former justices and judges are exempt  
57 from s. 119.07(1).

58 d. The home addresses, telephone numbers, social security

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59 numbers, dates of birth, and photographs of current or former  
60 state attorneys, assistant state attorneys, statewide  
61 prosecutors, or assistant statewide prosecutors; the home  
62 addresses, telephone numbers, social security numbers,  
63 photographs, dates of birth, and places of employment of the  
64 spouses and children of current or former state attorneys,  
65 assistant state attorneys, statewide prosecutors, or assistant  
66 statewide prosecutors; and the names and locations of schools  
67 and day care facilities attended by the children of current or  
68 former state attorneys, assistant state attorneys, statewide  
69 prosecutors, or assistant statewide prosecutors are exempt from  
70 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

71 e. The home addresses, dates of birth, and telephone  
72 numbers of general magistrates, special magistrates, judges of  
73 compensation claims, administrative law judges of the Division  
74 of Administrative Hearings, and child support enforcement  
75 hearing officers; the home addresses, telephone numbers, dates  
76 of birth, and places of employment of the spouses and children  
77 of general magistrates, special magistrates, judges of  
78 compensation claims, administrative law judges of the Division  
79 of Administrative Hearings, and child support enforcement  
80 hearing officers; and the names and locations of schools and day  
81 care facilities attended by the children of general magistrates,  
82 special magistrates, judges of compensation claims,  
83 administrative law judges of the Division of Administrative  
84 Hearings, and child support enforcement hearing officers are  
85 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
86 Constitution if the general magistrate, special magistrate,  
87 judge of compensation claims, administrative law judge of the

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88 Division of Administrative Hearings, or child support hearing  
89 officer provides a written statement that the general  
90 magistrate, special magistrate, judge of compensation claims,  
91 administrative law judge of the Division of Administrative  
92 Hearings, or child support hearing officer has made reasonable  
93 efforts to protect such information from being accessible  
94 through other means available to the public.

95 f. The home addresses, telephone numbers, dates of birth,  
96 and photographs of current or former human resource, labor  
97 relations, or employee relations directors, assistant directors,  
98 managers, or assistant managers of any local government agency  
99 or water management district whose duties include hiring and  
100 firing employees, labor contract negotiation, administration, or  
101 other personnel-related duties; the names, home addresses,  
102 telephone numbers, dates of birth, and places of employment of  
103 the spouses and children of such personnel; and the names and  
104 locations of schools and day care facilities attended by the  
105 children of such personnel are exempt from s. 119.07(1) and s.  
106 24(a), Art. I of the State Constitution.

107 g. The home addresses, telephone numbers, dates of birth,  
108 and photographs of current or former code enforcement officers;  
109 the names, home addresses, telephone numbers, dates of birth,  
110 and places of employment of the spouses and children of such  
111 personnel; and the names and locations of schools and day care  
112 facilities attended by the children of such personnel are exempt  
113 from s. 119.07(1) and s. 24(a), Art. I of the State  
114 Constitution.

115 h. The home addresses, telephone numbers, places of  
116 employment, dates of birth, and photographs of current or former

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117 guardians ad litem, as defined in s. 39.820; the names, home  
118 addresses, telephone numbers, dates of birth, and places of  
119 employment of the spouses and children of such persons; and the  
120 names and locations of schools and day care facilities attended  
121 by the children of such persons are exempt from s. 119.07(1) and  
122 s. 24(a), Art. I of the State Constitution, if the guardian ad  
123 litem provides a written statement that the guardian ad litem  
124 has made reasonable efforts to protect such information from  
125 being accessible through other means available to the public.

126 i. The home addresses, telephone numbers, dates of birth,  
127 and photographs of current or former juvenile probation  
128 officers, juvenile probation supervisors, detention  
129 superintendents, assistant detention superintendents, juvenile  
130 justice detention officers I and II, juvenile justice detention  
131 officer supervisors, juvenile justice residential officers,  
132 juvenile justice residential officer supervisors I and II,  
133 juvenile justice counselors, juvenile justice counselor  
134 supervisors, human services counselor administrators, senior  
135 human services counselor administrators, rehabilitation  
136 therapists, and social services counselors of the Department of  
137 Juvenile Justice; the names, home addresses, telephone numbers,  
138 dates of birth, and places of employment of spouses and children  
139 of such personnel; and the names and locations of schools and  
140 day care facilities attended by the children of such personnel  
141 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
142 Constitution.

143 j. The home addresses, telephone numbers, dates of birth,  
144 and photographs of current or former public defenders, assistant  
145 public defenders, criminal conflict and civil regional counsel,

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

153 k. The home addresses, telephone numbers, and photographs  
154 of current or former investigators or inspectors of the  
155 Department of Business and Professional Regulation; the names,  
156 home addresses, telephone numbers, and places of employment of  
157 the spouses and children of such current or former investigators  
158 and inspectors; and the names and locations of schools and day  
159 care facilities attended by the children of such current or  
160 former investigators and inspectors are exempt from s. 119.07(1)  
161 and s. 24(a), Art. I of the State Constitution if the  
162 investigator or inspector has made reasonable efforts to protect  
163 such information from being accessible through other means  
164 available to the public. This sub-subparagraph is subject to the  
165 Open Government Sunset Review Act in accordance with s. 119.15  
166 and shall stand repealed on October 2, 2017, unless reviewed and  
167 saved from repeal through reenactment by the Legislature.

168 l. The home addresses and telephone numbers of county tax  
169 collectors; the names, home addresses, telephone numbers, and  
170 places of employment of the spouses and children of such tax  
171 collectors; and the names and locations of schools and day care  
172 facilities attended by the children of such tax collectors are  
173 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
174 Constitution if the county tax collector has made reasonable

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175 efforts to protect such information from being accessible  
176 through other means available to the public. This sub-  
177 subparagraph is subject to the Open Government Sunset Review Act  
178 in accordance with s. 119.15 and shall stand repealed on October  
179 2, 2017, unless reviewed and saved from repeal through  
180 reenactment by the Legislature.

181 m. The home addresses, telephone numbers, and photographs  
182 of current or former personnel of the Department of Health whose  
183 duties include the investigation or prosecution of complaints  
184 filed against health care practitioners or the inspection of  
185 practitioners or facilities licensed by the Department of  
186 Health; the names, home addresses, telephone numbers, and places  
187 of employment of the spouses and children of such personnel; and  
188 the names and locations of schools and day care facilities  
189 attended by the children of such personnel are exempt from s.  
190 119.07(1) and s. 24(a), Art. I of the State Constitution if the  
191 personnel have made reasonable efforts to protect such  
192 information from being accessible through other means available  
193 to the public.

194 3. An agency that is the custodian of the information  
195 specified in subparagraph 2. and that is not the employer of the  
196 officer, employee, justice, judge, or other person specified in  
197 subparagraph 2. shall maintain the exempt status of that  
198 information only if the officer, employee, justice, judge, other  
199 person, or employing agency of the designated employee submits a  
200 written request for maintenance of the exemption to the  
201 custodial agency.

202 4. The exemptions in this paragraph apply to information  
203 held by an agency before, on, or after the effective date of the

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204 exemption.

205 5.a. Sub-subparagraphs 2.a.-1. are ~~This paragraph is~~  
206 subject to the Open Government Sunset Review Act in accordance  
207 with s. 119.15, and shall stand repealed on October 2, 2017,  
208 unless reviewed and saved from repeal through reenactment by the  
209 Legislature.

210 b. Sub-subparagraph 2.m. is subject to the Open Government  
211 Sunset Review Act in accordance with s. 119.15, and shall stand  
212 repealed on October 2, 2018, unless reviewed and saved from  
213 repeal through reenactment by the Legislature.

214 Section 2. The Legislature finds that it is a public  
215 necessity that the home addresses, telephone numbers, and  
216 photographs of current or former personnel of the Department of  
217 Health whose duties include the investigation or prosecution of  
218 complaints filed against health care practitioners or the  
219 inspection of practitioners or facilities licensed by the  
220 Department of Health; that the names, home addresses, telephone  
221 numbers, and places of employment of the spouses and children of  
222 such personnel; and that the names and locations of schools and  
223 day care facilities attended by the children of such personnel  
224 be made exempt from public record requirements. The Legislature  
225 finds that the release of such identifying and location  
226 information might place current or former personnel of the  
227 Department of Health whose duties include the investigation or  
228 prosecution of complaints filed against health care  
229 practitioners or the inspection of practitioners or facilities  
230 licensed by the Department of Health and their family members in  
231 danger of physical and emotional harm from disgruntled  
232 individuals who have contentious reactions to actions carried



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233 out by personnel of the Department of Health, or whose business  
234 or professional practices have come under the scrutiny of  
235 investigators and inspectors of the Department of Health. The  
236 Legislature further finds that the harm that may result from the  
237 release of such personal identifying and location information  
238 outweighs any public benefit that may be derived from the  
239 disclosure of the information.

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