

By Senator Hays

11-00458-14

2014390__

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:

14
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.(I) The home addresses, telephone numbers, social
26 security numbers, dates of birth, and photographs of active or
27 former sworn or civilian law enforcement personnel, including
28 correctional and correctional probation officers, personnel of
29 the Department of Children and Families whose duties include the

11-00458-14

2014390__

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

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

46 (III) Sub-sub-subparagraph (II) is subject to the Open
47 Government Sunset Review Act in accordance with s. 119.15, and
48 shall stand repealed on October 2, 2018, 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 firefighters certified in compliance with s.
52 633.408; the home addresses, telephone numbers, photographs,
53 dates of birth, and places of employment of the spouses and
54 children of such firefighters; and the names and locations of
55 schools and day care facilities attended by the children of such
56 firefighters are exempt from s. 119.07(1).

57 c. The home addresses, dates of birth, and telephone
58 numbers of current or former justices of the Supreme Court,

11-00458-14

2014390__

59 district court of appeal judges, circuit court judges, and
60 county court judges; the home addresses, telephone numbers,
61 dates of birth, and places of employment of the spouses and
62 children of current or former justices and judges; and the names
63 and locations of schools and day care facilities attended by the
64 children of current or former justices and judges are exempt
65 from s. 119.07(1).

66 d.(I) The home addresses, telephone numbers, social
67 security numbers, dates of birth, and photographs of current or
68 former state attorneys, assistant state attorneys, statewide
69 prosecutors, or assistant statewide prosecutors; the home
70 addresses, telephone numbers, social security numbers,
71 photographs, dates of birth, and places of employment of the
72 spouses and children of current or former state attorneys,
73 assistant state attorneys, statewide prosecutors, or assistant
74 statewide prosecutors; and the names and locations of schools
75 and day care facilities attended by the children of current or
76 former state attorneys, assistant state attorneys, statewide
77 prosecutors, or assistant statewide prosecutors are exempt from
78 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

87 e. The home addresses, dates of birth, and telephone

11-00458-14

2014390__

88 numbers of general magistrates, special magistrates, judges of
89 compensation claims, administrative law judges of the Division
90 of Administrative Hearings, and child support enforcement
91 hearing officers; the home addresses, telephone numbers, dates
92 of birth, and places of employment of the spouses and children
93 of general magistrates, special magistrates, judges of
94 compensation claims, administrative law judges of the Division
95 of Administrative Hearings, and child support enforcement
96 hearing officers; and the names and locations of schools and day
97 care facilities attended by the children of general magistrates,
98 special magistrates, judges of compensation claims,
99 administrative law judges of the Division of Administrative
100 Hearings, and child support enforcement hearing officers are
101 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
102 Constitution if the general magistrate, special magistrate,
103 judge of compensation claims, administrative law judge of the
104 Division of Administrative Hearings, or child support hearing
105 officer provides a written statement that the general
106 magistrate, special magistrate, judge of compensation claims,
107 administrative law judge of the Division of Administrative
108 Hearings, or child support hearing officer has made reasonable
109 efforts to protect such information from being accessible
110 through other means available to the public.

111 f. The home addresses, telephone numbers, dates of birth,
112 and photographs of current or former human resource, labor
113 relations, or employee relations directors, assistant directors,
114 managers, or assistant managers of any local government agency
115 or water management district whose duties include hiring and
116 firing employees, labor contract negotiation, administration, or

11-00458-14

2014390__

117 other personnel-related duties; the names, home addresses,
118 telephone numbers, dates of birth, and places of employment of
119 the spouses and children of such personnel; and the names and
120 locations of schools and day care facilities attended by the
121 children of such personnel are exempt from s. 119.07(1) and s.
122 24(a), Art. I of the State Constitution.

123 g. The home addresses, telephone numbers, dates of birth,
124 and photographs of current or former code enforcement officers;
125 the names, home addresses, telephone numbers, dates of birth,
126 and places of employment of the spouses and children of such
127 personnel; and the names and locations of schools and day care
128 facilities attended by the children of such personnel are exempt
129 from s. 119.07(1) and s. 24(a), Art. I of the State
130 Constitution.

131 h. The home addresses, telephone numbers, places of
132 employment, dates of birth, and photographs of current or former
133 guardians ad litem, as defined in s. 39.820; the names, home
134 addresses, telephone numbers, dates of birth, and places of
135 employment of the spouses and children of such persons; and the
136 names and locations of schools and day care facilities attended
137 by the children of such persons are exempt from s. 119.07(1) and
138 s. 24(a), Art. I of the State Constitution, if the guardian ad
139 litem provides a written statement that the guardian ad litem
140 has made reasonable efforts to protect such information from
141 being accessible through other means available to the public.

142 i. The home addresses, telephone numbers, dates of birth,
143 and photographs of current or former juvenile probation
144 officers, juvenile probation supervisors, detention
145 superintendents, assistant detention superintendents, juvenile

11-00458-14

2014390__

146 justice detention officers I and II, juvenile justice detention
147 officer supervisors, juvenile justice residential officers,
148 juvenile justice residential officer supervisors I and II,
149 juvenile justice counselors, juvenile justice counselor
150 supervisors, human services counselor administrators, senior
151 human services counselor administrators, rehabilitation
152 therapists, and social services counselors of the Department of
153 Juvenile Justice; the names, home addresses, telephone numbers,
154 dates of birth, and places of employment of spouses and children
155 of such personnel; and the names and locations of schools and
156 day care facilities attended by the children of such personnel
157 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
158 Constitution.

159 j. The home addresses, telephone numbers, dates of birth,
160 and photographs of current or former public defenders, assistant
161 public defenders, criminal conflict and civil regional counsel,
162 and assistant criminal conflict and civil regional counsel; the
163 home addresses, telephone numbers, dates of birth, and places of
164 employment of the spouses and children of such defenders or
165 counsel; and the names and locations of schools and day care
166 facilities attended by the children of such defenders or counsel
167 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
168 Constitution.

169 k. The home addresses, telephone numbers, and photographs
170 of current or former investigators or inspectors of the
171 Department of Business and Professional Regulation; the names,
172 home addresses, telephone numbers, and places of employment of
173 the spouses and children of such current or former investigators
174 and inspectors; and the names and locations of schools and day

11-00458-14

2014390__

175 care facilities attended by the children of such current or
176 former investigators and inspectors are exempt from s. 119.07(1)
177 and s. 24(a), Art. I of the State Constitution if the
178 investigator or inspector has made reasonable efforts to protect
179 such information from being accessible through other means
180 available to the public. This sub-subparagraph is subject to the
181 Open Government Sunset Review Act in accordance with s. 119.15
182 and shall stand repealed on October 2, 2017, unless reviewed and
183 saved from repeal through reenactment by the Legislature.

184 1. The home addresses and telephone numbers of county tax
185 collectors; the names, home addresses, telephone numbers, and
186 places of employment of the spouses and children of such tax
187 collectors; and the names and locations of schools and day care
188 facilities attended by the children of such tax collectors are
189 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
190 Constitution if the county tax collector has made reasonable
191 efforts to protect such information from being accessible
192 through other means available to the public. This sub-
193 subparagraph is subject to the Open Government Sunset Review Act
194 in accordance with s. 119.15 and shall stand repealed on October
195 2, 2017, unless reviewed and saved from repeal through
196 reenactment by the Legislature.

197 m. The home addresses, telephone numbers, dates of birth,
198 and photographs of current or former personnel of the Department
199 of Health whose duties include the investigation or prosecution
200 of complaints filed against health care practitioners or the
201 inspection of practitioners or facilities licensed by the
202 Department of Health; the names, home addresses, telephone
203 numbers, dates of birth, and places of employment of the spouses

11-00458-14

2014390__

204 and children of such personnel; and the names and locations of
205 schools and day care facilities attended by the children of such
206 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
207 the State Constitution if the personnel have made reasonable
208 efforts to protect such information from being accessible
209 through other means available to the public. This sub-
210 paragraph is subject to the Open Government Sunset Review Act
211 in accordance with s. 119.15 and shall stand repealed on October
212 2, 2019, unless reviewed and saved from repeal through
213 reenactment by the Legislature.

214 3. An agency that is the custodian of the information
215 specified in subparagraph 2. and that is not the employer of the
216 officer, employee, justice, judge, or other person specified in
217 subparagraph 2. shall maintain the exempt status of that
218 information only if the officer, employee, justice, judge, other
219 person, or employing agency of the designated employee submits a
220 written request for maintenance of the exemption to the
221 custodial agency.

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

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

230 Section 2. The Legislature finds that it is a public
231 necessity that the home addresses, telephone numbers, dates of
232 birth, and photographs of current or former personnel of the

11-00458-14

2014390__

233 Department of Health whose duties include the investigation or
234 prosecution of complaints filed against health care
235 practitioners or the inspection of practitioners or facilities
236 licensed by the Department of Health; that the names, home
237 addresses, telephone numbers, dates of birth, and places of
238 employment of the spouses and children of such personnel; and
239 that the names and locations of schools and day care facilities
240 attended by the children of such personnel be made exempt from
241 public record requirements. The Legislature finds that the
242 release of such identifying and location information might place
243 current or former personnel of the Department of Health whose
244 duties include the investigation or prosecution of complaints
245 filed against health care practitioners or the inspection of
246 practitioners or facilities licensed by the Department of Health
247 and their family members in danger of physical and emotional
248 harm from disgruntled individuals who have contentious reactions
249 to actions carried out by personnel of the Department of Health,
250 or whose business or professional practices have come under the
251 scrutiny of investigators and inspectors of the Department of
252 Health. The Legislature further finds that the harm that may
253 result from the release of such personal identifying and
254 location information outweighs any public benefit that may be
255 derived from the disclosure of the information.

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