

By Senator Bullard

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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 identification and  
5           location information relating to former firefighters  
6           and their spouses and children; providing for future  
7           legislative review and repeal of the exemption;  
8           providing a statement of public necessity; providing  
9           an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Paragraph (d) of subsection (4) of section  
14           119.071, Florida Statutes, is amended to read:

15           119.071 General exemptions from inspection or copying of  
16           public records.—

17           (4) AGENCY PERSONNEL INFORMATION.—

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

23           2.a.(I) The home addresses, telephone numbers, social  
24           security numbers, dates of birth, and photographs of active or  
25           former sworn or civilian law enforcement personnel, including  
26           correctional and correctional probation officers, personnel of  
27           the Department of Children and Families whose duties include the  
28           investigation of abuse, neglect, exploitation, fraud, theft, or  
29           other criminal activities, personnel of the Department of Health  
30           whose duties are to support the investigation of child abuse or  
31           neglect, and personnel of the Department of Revenue or local  
32           governments whose responsibilities include revenue collection

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33 and enforcement or child support enforcement; the home  
34 addresses, telephone numbers, social security numbers,  
35 photographs, dates of birth, and places of employment of the  
36 spouses and children of such personnel; and the names and  
37 locations of schools and day care facilities attended by the  
38 children of such personnel are exempt from s. 119.07(1).

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

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

48 b.(I) The home addresses, telephone numbers, dates of  
49 birth, and photographs of firefighters certified in compliance  
50 with s. 633.408; the home addresses, telephone numbers,  
51 photographs, dates of birth, and places of employment of the  
52 spouses and children of such firefighters; and the names and  
53 locations of schools and day care facilities attended by the  
54 children of such firefighters are exempt from s. 119.07(1).

55 (II) The home addresses, telephone numbers, dates of birth,  
56 and photographs of former firefighters certified in compliance  
57 with s. 633.408; the home addresses, telephone numbers,  
58 photographs, dates of birth, and places of employment of the  
59 spouses and children of such firefighters; and the names and  
60 locations of schools and day care facilities attended by the  
61 children of such firefighters are exempt from s. 119.07(1) and

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62 s. 24(a), Art. I of the State Constitution. This sub-sub-  
63 subparagraph is subject to the Open Government Sunset Review Act  
64 in accordance with s. 119.15, and shall stand repealed on  
65 October 2, 2021, unless reviewed and saved from repeal through  
66 reenactment by the Legislature.

67 c. The home addresses, dates of birth, and telephone  
68 numbers of current or former justices of the Supreme Court,  
69 district court of appeal judges, circuit court judges, and  
70 county court judges; the home addresses, telephone numbers,  
71 dates of birth, and places of employment of the spouses and  
72 children of current or former justices and judges; and the names  
73 and locations of schools and day care facilities attended by the  
74 children of current or former justices and judges are exempt  
75 from s. 119.07(1).

76 d.(I) The home addresses, telephone numbers, social  
77 security numbers, dates of birth, and photographs of current or  
78 former state attorneys, assistant state attorneys, statewide  
79 prosecutors, or assistant statewide prosecutors; the home  
80 addresses, telephone numbers, social security numbers,  
81 photographs, dates of birth, and places of employment of the  
82 spouses and children of current or former state attorneys,  
83 assistant state attorneys, statewide prosecutors, or assistant  
84 statewide prosecutors; and the names and locations of schools  
85 and day care facilities attended by the children of current or  
86 former state attorneys, assistant state attorneys, statewide  
87 prosecutors, or assistant statewide prosecutors are exempt from  
88 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

89 (II) The names of the spouses and children of current or  
90 former state attorneys, assistant state attorneys, statewide

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91 prosecutors, or assistant statewide prosecutors are exempt from  
92 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

97 e. The home addresses, dates of birth, and telephone  
98 numbers of general magistrates, special magistrates, judges of  
99 compensation claims, administrative law judges of the Division  
100 of Administrative Hearings, and child support enforcement  
101 hearing officers; the home addresses, telephone numbers, dates  
102 of birth, and places of employment of the spouses and children  
103 of general magistrates, special magistrates, judges of  
104 compensation claims, administrative law judges of the Division  
105 of Administrative Hearings, and child support enforcement  
106 hearing officers; and the names and locations of schools and day  
107 care facilities attended by the children of general magistrates,  
108 special magistrates, judges of compensation claims,  
109 administrative law judges of the Division of Administrative  
110 Hearings, and child support enforcement hearing officers are  
111 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
112 Constitution if the general magistrate, special magistrate,  
113 judge of compensation claims, administrative law judge of the  
114 Division of Administrative Hearings, or child support hearing  
115 officer provides a written statement that the general  
116 magistrate, special magistrate, judge of compensation claims,  
117 administrative law judge of the Division of Administrative  
118 Hearings, or child support hearing officer has made reasonable  
119 efforts to protect such information from being accessible

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120 through other means available to the public.

121 f. The home addresses, telephone numbers, dates of birth,  
122 and photographs of current or former human resource, labor  
123 relations, or employee relations directors, assistant directors,  
124 managers, or assistant managers of any local government agency  
125 or water management district whose duties include hiring and  
126 firing employees, labor contract negotiation, administration, or  
127 other personnel-related duties; the names, home addresses,  
128 telephone numbers, dates of birth, and places of employment of  
129 the spouses and children of such personnel; and the names and  
130 locations of schools and day care facilities attended by the  
131 children of such personnel are exempt from s. 119.07(1) and s.  
132 24(a), Art. I of the State Constitution.

133 g. The home addresses, telephone numbers, dates of birth,  
134 and photographs of current or former code enforcement officers;  
135 the names, home addresses, telephone numbers, dates of birth,  
136 and places of employment of the spouses and children of such  
137 personnel; and the names and locations of schools and day care  
138 facilities attended by the children of such personnel are exempt  
139 from s. 119.07(1) and s. 24(a), Art. I of the State  
140 Constitution.

141 h. The home addresses, telephone numbers, places of  
142 employment, dates of birth, and photographs of current or former  
143 guardians ad litem, as defined in s. 39.820; the names, home  
144 addresses, telephone numbers, dates of birth, and places of  
145 employment of the spouses and children of such persons; and the  
146 names and locations of schools and day care facilities attended  
147 by the children of such persons are exempt from s. 119.07(1) and  
148 s. 24(a), Art. I of the State Constitution, if the guardian ad

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149 litem provides a written statement that the guardian ad litem  
150 has made reasonable efforts to protect such information from  
151 being accessible through other means available to the public.

152 i. The home addresses, telephone numbers, dates of birth,  
153 and photographs of current or former juvenile probation  
154 officers, juvenile probation supervisors, detention  
155 superintendents, assistant detention superintendents, juvenile  
156 justice detention officers I and II, juvenile justice detention  
157 officer supervisors, juvenile justice residential officers,  
158 juvenile justice residential officer supervisors I and II,  
159 juvenile justice counselors, juvenile justice counselor  
160 supervisors, human services counselor administrators, senior  
161 human services counselor administrators, rehabilitation  
162 therapists, and social services counselors of the Department of  
163 Juvenile Justice; the names, home addresses, telephone numbers,  
164 dates of birth, and places of employment of spouses and children  
165 of such personnel; and the names and locations of schools and  
166 day care facilities attended by the children of such personnel  
167 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
168 Constitution.

169 j.(I) The home addresses, telephone numbers, dates of  
170 birth, and photographs of current or former public defenders,  
171 assistant public defenders, criminal conflict and civil regional  
172 counsel, and assistant criminal conflict and civil regional  
173 counsel; the home addresses, telephone numbers, dates of birth,  
174 and places of employment of the spouses and children of such  
175 defenders or counsel; and the names and locations of schools and  
176 day care facilities attended by the children of such defenders  
177 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of

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178 the State Constitution.

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

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

201 1. The home addresses and telephone numbers of county tax  
202 collectors; the names, home addresses, telephone numbers, and  
203 places of employment of the spouses and children of such tax  
204 collectors; and the names and locations of schools and day care  
205 facilities attended by the children of such tax collectors are  
206 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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207 Constitution if the county tax collector has made reasonable  
208 efforts to protect such information from being accessible  
209 through other means available to the public. This sub-  
210 subparagraph is subject to the Open Government Sunset Review Act  
211 in accordance with s. 119.15 and shall stand repealed on October  
212 2, 2017, unless reviewed and saved from repeal through  
213 reenactment by the Legislature.

214 m. The home addresses, telephone numbers, dates of birth,  
215 and photographs of current or former personnel of the Department  
216 of Health whose duties include, or result in, the determination  
217 or adjudication of eligibility for social security disability  
218 benefits, the investigation or prosecution of complaints filed  
219 against health care practitioners, or the inspection of health  
220 care practitioners or health care facilities licensed by the  
221 Department of Health; the names, home addresses, telephone  
222 numbers, dates of birth, and places of employment of the spouses  
223 and children of such personnel; and the names and locations of  
224 schools and day care facilities attended by the children of such  
225 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
226 the State Constitution if the personnel have made reasonable  
227 efforts to protect such information from being accessible  
228 through other means available to the public. This sub-  
229 subparagraph is subject to the Open Government Sunset Review Act  
230 in accordance with s. 119.15 and shall stand repealed on October  
231 2, 2019, unless reviewed and saved from repeal through  
232 reenactment by the Legislature.

233 n. The home addresses, telephone numbers, dates of birth,  
234 and photographs of current or former impaired practitioner  
235 consultants who are retained by an agency or current or former



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236 employees of an impaired practitioner consultant whose duties  
237 result in a determination of a person's skill and safety to  
238 practice a licensed profession; the names, home addresses,  
239 telephone numbers, dates of birth, and places of employment of  
240 the spouses and children of such consultants or their employees;  
241 and the names and locations of schools and day care facilities  
242 attended by the children of such consultants or employees are  
243 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
244 Constitution if a consultant or employee has made reasonable  
245 efforts to protect such information from being accessible  
246 through other means available to the public. This sub-  
247 subparagraph is subject to the Open Government Sunset Review Act  
248 in accordance with s. 119.15 and shall stand repealed on October  
249 2, 2020, unless reviewed and saved from repeal through  
250 reenactment by the Legislature.

251 3. An agency that is the custodian of the information  
252 specified in subparagraph 2. and that is not the employer of the  
253 officer, employee, justice, judge, or other person specified in  
254 subparagraph 2. shall maintain the exempt status of that  
255 information only if the officer, employee, justice, judge, other  
256 person, or employing agency of the designated employee submits a  
257 written request for maintenance of the exemption to the  
258 custodial agency.

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

262 5. Except as otherwise expressly provided in this  
263 paragraph, this paragraph is subject to the Open Government  
264 Sunset Review Act in accordance with s. 119.15, and shall stand

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265 repealed on October 2, 2017, unless reviewed and saved from  
266 repeal through reenactment by the Legislature.

267       Section 2. The Legislature finds that it is a public  
268 necessity that the home addresses, telephone numbers,  
269 photographs, dates of birth, and photographs of former  
270 firefighters certified in compliance with s. 633.408, Florida  
271 Statutes; the home addresses, telephone numbers, photographs,  
272 dates of birth, and places of employment of the spouses and  
273 children of such firefighters; and the names and locations of  
274 schools and day care facilities attended by the children of such  
275 firefighters be exempt from s. 119.07(1), Florida Statutes, and  
276 s. 24(a), Article I of the State Constitution. The public  
277 disclosure of such identification and location information could  
278 place former firefighters, and their spouses and children, at  
279 risk of being physically or emotionally harmed or stalked.  
280 Throughout the course of their career, firefighters become  
281 involved in situations that sometimes result in death or  
282 significant property damage and are at times blamed for the  
283 outcome of these situations. In addition, firefighters often  
284 become involved in criminal arson investigations. As a result of  
285 their involvement in an investigation and any subsequent legal  
286 proceedings, a firefighter or his or her spouse or children may  
287 become targets for acts of violence or revenge. The risk of harm  
288 from publicly disclosing such identification and location  
289 information continues for a firefighter, and his or her spouse  
290 or children, after he or she concludes service as a firefighter.  
291 Therefore, the Legislature finds that former firefighters, and  
292 their spouses or children, are entitled to the same protections  
293 afforded to current firefighters certified in compliance with s.

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294 633.408, Florida Statutes, and their spouses or children.

295 Section 3. This act shall take effect July 1, 2016.