

By the Committee on Governmental Oversight and Accountability;
and Senator Hutson

585-02229-16

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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 certain nonsworn investigative
6 personnel of the Department of Financial Services and
7 the names and personal identifying and location
8 information of the spouses and children of such
9 personnel; providing for future review and repeal of
10 the exemption; 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
30 investigation of abuse, neglect, exploitation, fraud, theft, or
31 other criminal activities, personnel of the Department of Health

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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 (IV) 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
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

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61 Constitution. This sub-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 b. The home addresses, telephone numbers, dates of birth,
66 and photographs of firefighters certified in compliance with s.
67 633.408; the home addresses, telephone numbers, photographs,
68 dates of birth, and places of employment of the spouses and
69 children of such firefighters; and the names and locations of
70 schools and day care facilities attended by the children of such
71 firefighters are exempt from s. 119.07(1).

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

81 d.(I) The home addresses, telephone numbers, social
82 security numbers, dates of birth, and photographs of current or
83 former state attorneys, assistant state attorneys, statewide
84 prosecutors, or assistant statewide prosecutors; the home
85 addresses, telephone numbers, social security numbers,
86 photographs, dates of birth, and places of employment of the
87 spouses and children of current or former state attorneys,
88 assistant state attorneys, statewide prosecutors, or assistant
89 statewide prosecutors; and the names and locations of schools

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90 and day care facilities attended by the children of current or
91 former state attorneys, assistant state attorneys, statewide
92 prosecutors, or assistant statewide prosecutors are exempt from
93 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

102 e. The home addresses, dates of birth, and telephone
103 numbers 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; the home addresses, telephone numbers, dates
107 of birth, and places of employment of the spouses and children
108 of general magistrates, special magistrates, judges of
109 compensation claims, administrative law judges of the Division
110 of Administrative Hearings, and child support enforcement
111 hearing officers; and the names and locations of schools and day
112 care facilities attended by the children of general magistrates,
113 special magistrates, judges of compensation claims,
114 administrative law judges of the Division of Administrative
115 Hearings, and child support enforcement hearing officers are
116 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
117 Constitution if the general magistrate, special magistrate,
118 judge of compensation claims, administrative law judge of the

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119 Division of Administrative Hearings, or child support hearing
120 officer provides a written statement that the general
121 magistrate, special magistrate, judge of compensation claims,
122 administrative law judge of the Division of Administrative
123 Hearings, or child support hearing officer has made reasonable
124 efforts to protect such information from being accessible
125 through other means available to the public.

126 f. The home addresses, telephone numbers, dates of birth,
127 and photographs of current or former human resource, labor
128 relations, or employee relations directors, assistant directors,
129 managers, or assistant managers of any local government agency
130 or water management district whose duties include hiring and
131 firing employees, labor contract negotiation, administration, or
132 other personnel-related duties; the names, home addresses,
133 telephone numbers, dates of birth, and places of employment of
134 the spouses and children of such personnel; and the names and
135 locations of schools and day care facilities attended by the
136 children of such personnel are exempt from s. 119.07(1) and s.
137 24(a), Art. I of the State Constitution.

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

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

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148 guardians ad litem, as defined in s. 39.820; the names, home
149 addresses, telephone numbers, dates of birth, and places of
150 employment of the spouses and children of such persons; and the
151 names and locations of schools and day care facilities attended
152 by the children of such persons are exempt from s. 119.07(1) and
153 s. 24(a), Art. I of the State Constitution, if the guardian ad
154 litem provides a written statement that the guardian ad litem
155 has made reasonable efforts to protect such information from
156 being accessible through other means available to the public.

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

174 j.(I) The home addresses, telephone numbers, dates of
175 birth, and photographs of current or former public defenders,
176 assistant public defenders, criminal conflict and civil regional

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177 counsel, and assistant criminal conflict and civil regional
178 counsel; the home addresses, telephone numbers, dates of birth,
179 and places of employment of the spouses and children of such
180 defenders or counsel; and the names and locations of schools and
181 day care facilities attended by the children of such defenders
182 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
183 the State Constitution.

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

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

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206 1. The home addresses and telephone numbers of county tax
207 collectors; the names, home addresses, telephone numbers, and
208 places of employment of the spouses and children of such tax
209 collectors; and the names and locations of schools and day care
210 facilities attended by the children of such tax collectors are
211 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
212 Constitution if the county tax collector has made reasonable
213 efforts to protect such information from being accessible
214 through other means available to the public. This sub-
215 subparagraph is subject to the Open Government Sunset Review Act
216 in accordance with s. 119.15 and shall stand repealed on October
217 2, 2017, unless reviewed and saved from repeal through
218 reenactment by the Legislature.

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

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235 in accordance with s. 119.15 and shall stand repealed on October
236 2, 2019, unless reviewed and saved from repeal through
237 reenactment by the Legislature.

238 n. The home addresses, telephone numbers, dates of birth,
239 and photographs of current or former impaired practitioner
240 consultants who are retained by an agency or current or former
241 employees of an impaired practitioner consultant whose duties
242 result in a determination of a person's skill and safety to
243 practice a licensed profession; the names, home addresses,
244 telephone numbers, dates of birth, and places of employment of
245 the spouses and children of such consultants or their employees;
246 and the names and locations of schools and day care facilities
247 attended by the children of such consultants or employees are
248 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
249 Constitution if a consultant or employee has made reasonable
250 efforts to protect such information from being accessible
251 through other means available to the public. This sub-
252 subparagraph is subject to the Open Government Sunset Review Act
253 in accordance with s. 119.15 and shall stand repealed on October
254 2, 2020, unless reviewed and saved from repeal through
255 reenactment by the Legislature.

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

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

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

272 Section 2. The Legislature finds that it is a public
273 necessity to exempt from public records requirements the home
274 addresses, telephone numbers, dates of birth, and photographs of
275 current or former nonsworn investigative personnel of the
276 Department of Financial Services whose duties include the
277 investigation of fraud, theft, workers' compensation coverage
278 requirements and compliance, other related criminal activities,
279 or state regulatory requirement violations; the names, home
280 addresses, telephone numbers, dates of birth, and places of
281 employment of the spouses and children of such personnel; and
282 the names and locations of schools and day care facilities
283 attended by the children of such personnel. The efforts of such
284 personnel can lead to arrests and prosecutions for crimes up to
285 and including first degree felony violations and can also result
286 in the loss of commerce and property, the assessment of monetary
287 finances, or the suspension or loss of professional licenses. The
288 department has documented numerous instances of personnel who
289 have been threatened and who have feared repercussions as a
290 result of carrying out their duties. These threats have included
291 weapons being brandished, verbal threats made to harm them or
292 their family members, harassment, and intimidation. The

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293 Legislature finds that the release of such personal identifying
294 and location information might place these nonsworn
295 investigative personnel of the department and their family
296 members in danger of physical and emotional harm from
297 disgruntled individuals who have contentious reactions to
298 actions taken by such personnel, or whose business or
299 professional practices have come under the scrutiny of such
300 personnel. The Legislature further finds that the harm that may
301 result from the release of such personal identifying and
302 location information outweighs any public benefit that may be
303 derived from the disclosure of the information.

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