

By Senator Artiles

40-01176A-17

20171108__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; expanding an exemption from public
4 records requirements for the personal identifying and
5 location information of certain firefighters and their
6 spouses and children to include the personal
7 identifying and location information of former
8 firefighters and their spouses and children; providing
9 for future legislative review and repeal of the
10 exemption; providing a statement of public necessity;
11 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

40-01176A-17

20171108__

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 (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

40-01176A-17

20171108__

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-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 current or former firefighters certified in
67 compliance with s. 633.408; the home addresses, telephone
68 numbers, photographs, dates of birth, and places of employment
69 of the spouses and children of such firefighters; and the names
70 and locations of schools and day care facilities attended by the
71 children of such firefighters are exempt from s. 119.07(1) and
72 s. 24(a), Art. I of the State Constitution. This sub-
73 subparagraph is subject to the Open Government Sunset Review Act
74 in accordance with s. 119.15, and shall stand repealed on
75 October 2, 2022, unless reviewed and saved from repeal through
76 reenactment by the Legislature.

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

86 d.(I) The home addresses, telephone numbers, social
87 security numbers, dates of birth, and photographs of current or

40-01176A-17

20171108__

88 former state attorneys, assistant state attorneys, statewide
89 prosecutors, or assistant statewide prosecutors; the home
90 addresses, telephone numbers, social security numbers,
91 photographs, dates of birth, and places of employment of the
92 spouses and children of current or former state attorneys,
93 assistant state attorneys, statewide prosecutors, or assistant
94 statewide prosecutors; and the names and locations of schools
95 and day care facilities attended by the children of current or
96 former state attorneys, assistant state attorneys, statewide
97 prosecutors, or assistant statewide prosecutors are exempt from
98 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

107 e. The home addresses, dates of birth, and telephone
108 numbers 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; the home addresses, telephone numbers, dates
112 of birth, and places of employment of the spouses and children
113 of general magistrates, special magistrates, judges of
114 compensation claims, administrative law judges of the Division
115 of Administrative Hearings, and child support enforcement
116 hearing officers; and the names and locations of schools and day

40-01176A-17

20171108__

117 care facilities attended by the children of general magistrates,
118 special magistrates, judges of compensation claims,
119 administrative law judges of the Division of Administrative
120 Hearings, and child support enforcement hearing officers are
121 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
122 Constitution if the general magistrate, special magistrate,
123 judge of compensation claims, administrative law judge of the
124 Division of Administrative Hearings, or child support hearing
125 officer provides a written statement that the general
126 magistrate, special magistrate, judge of compensation claims,
127 administrative law judge of the Division of Administrative
128 Hearings, or child support hearing officer has made reasonable
129 efforts to protect such information from being accessible
130 through other means available to the public.

131 f. The home addresses, telephone numbers, dates of birth,
132 and photographs of current or former human resource, labor
133 relations, or employee relations directors, assistant directors,
134 managers, or assistant managers of any local government agency
135 or water management district whose duties include hiring and
136 firing employees, labor contract negotiation, administration, or
137 other personnel-related duties; the names, home addresses,
138 telephone numbers, dates of birth, and places of employment of
139 the spouses and children of such personnel; and the names and
140 locations of schools and day care facilities attended by the
141 children of such personnel are exempt from s. 119.07(1) and s.
142 24(a), Art. I of the State Constitution.

143 g. The home addresses, telephone numbers, dates of birth,
144 and photographs of current or former code enforcement officers;
145 the names, home addresses, telephone numbers, dates of birth,

40-01176A-17

20171108__

146 and places of employment of the spouses and children of such
147 personnel; and the names and locations of schools and day care
148 facilities attended by the children of such personnel are exempt
149 from s. 119.07(1) and s. 24(a), Art. I of the State
150 Constitution.

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

162 i. The home addresses, telephone numbers, dates of birth,
163 and photographs of current or former juvenile probation
164 officers, juvenile probation supervisors, detention
165 superintendents, assistant detention superintendents, juvenile
166 justice detention officers I and II, juvenile justice detention
167 officer supervisors, juvenile justice residential officers,
168 juvenile justice residential officer supervisors I and II,
169 juvenile justice counselors, juvenile justice counselor
170 supervisors, human services counselor administrators, senior
171 human services counselor administrators, rehabilitation
172 therapists, and social services counselors of the Department of
173 Juvenile Justice; the names, home addresses, telephone numbers,
174 dates of birth, and places of employment of spouses and children

40-01176A-17

20171108__

175 of such personnel; and the names and locations of schools and
176 day care facilities attended by the children of such personnel
177 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
178 Constitution.

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

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

196 k. The home addresses, telephone numbers, and photographs
197 of current or former investigators or inspectors of the
198 Department of Business and Professional Regulation; the names,
199 home addresses, telephone numbers, and places of employment of
200 the spouses and children of such current or former investigators
201 and inspectors; and the names and locations of schools and day
202 care facilities attended by the children of such current or
203 former investigators and inspectors are exempt from s. 119.07(1)

40-01176A-17

20171108__

204 and s. 24(a), Art. I of the State Constitution if the
205 investigator or inspector has made reasonable efforts to protect
206 such information from being accessible through other means
207 available to the public. This sub-subparagraph is subject to the
208 Open Government Sunset Review Act in accordance with s. 119.15
209 and shall stand repealed on October 2, 2017, unless reviewed and
210 saved from repeal through reenactment by the Legislature.

211 1. The home addresses and telephone numbers of county tax
212 collectors; the names, home addresses, telephone numbers, and
213 places of employment of the spouses and children of such tax
214 collectors; and the names and locations of schools and day care
215 facilities attended by the children of such tax collectors are
216 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
217 Constitution if the county tax collector has made reasonable
218 efforts to protect such information from being accessible
219 through other means available to the public. This sub-
220 subparagraph is subject to the Open Government Sunset Review Act
221 in accordance with s. 119.15 and shall stand repealed on October
222 2, 2017, unless reviewed and saved from repeal through
223 reenactment by the Legislature.

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

40-01176A-17

20171108__

233 and children of such personnel; and the names and locations of
234 schools and day care facilities attended by the children of such
235 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
236 the State Constitution if the personnel have made reasonable
237 efforts to protect such information from being accessible
238 through other means available to the public. This sub-
239 subparagraph is subject to the Open Government Sunset Review Act
240 in accordance with s. 119.15 and shall stand repealed on October
241 2, 2019, unless reviewed and saved from repeal through
242 reenactment by the Legislature.

243 n. The home addresses, telephone numbers, dates of birth,
244 and photographs of current or former impaired practitioner
245 consultants who are retained by an agency or current or former
246 employees of an impaired practitioner consultant whose duties
247 result in a determination of a person's skill and safety to
248 practice a licensed profession; the names, home addresses,
249 telephone numbers, dates of birth, and places of employment of
250 the spouses and children of such consultants or their employees;
251 and the names and locations of schools and day care facilities
252 attended by the children of such consultants or employees are
253 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
254 Constitution if a consultant or employee has made reasonable
255 efforts to protect such information from being accessible
256 through other means available to the public. This sub-
257 subparagraph is subject to the Open Government Sunset Review Act
258 in accordance with s. 119.15 and shall stand repealed on October
259 2, 2020, unless reviewed and saved from repeal through
260 reenactment by the Legislature.

261 o. The home addresses, telephone numbers, dates of birth,

40-01176A-17

20171108__

262 and photographs of current or former emergency medical
263 technicians or paramedics certified under chapter 401; the
264 names, home addresses, telephone numbers, dates of birth, and
265 places of employment of the spouses and children of such
266 emergency medical technicians or paramedics; and the names and
267 locations of schools and day care facilities attended by the
268 children of such emergency medical technicians or paramedics are
269 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
270 Constitution if the emergency medical technicians or paramedics
271 have made reasonable efforts to protect such information from
272 being accessible through other means available to the public.
273 This sub-subparagraph is subject to the Open Government Sunset
274 Review Act in accordance with s. 119.15 and shall stand repealed
275 on October 2, 2021, unless reviewed and saved from repeal
276 through reenactment by the Legislature.

277 p. The home addresses, telephone numbers, dates of birth,
278 and photographs of current or former personnel employed in an
279 agency's office of inspector general or internal audit
280 department whose duties include auditing or investigating waste,
281 fraud, abuse, theft, exploitation, or other activities that
282 could lead to criminal prosecution or administrative discipline;
283 the names, home addresses, telephone numbers, dates of birth,
284 and places of employment of spouses and children of such
285 personnel; and the names and locations of schools and day care
286 facilities attended by the children of such personnel are exempt
287 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
288 if the personnel have made reasonable efforts to protect such
289 information from being accessible through other means available
290 to the public. This sub-subparagraph is subject to the Open

40-01176A-17

20171108__

291 Government Sunset Review Act in accordance with s. 119.15 and
292 shall stand repealed on October 2, 2021, unless reviewed and
293 saved from repeal through reenactment by the Legislature.

294 3. An agency that is the custodian of the information
295 specified in subparagraph 2. and that is not the employer of the
296 officer, employee, justice, judge, or other person specified in
297 subparagraph 2. shall maintain the exempt status of that
298 information only if the officer, employee, justice, judge, other
299 person, or employing agency of the designated employee submits a
300 written request for maintenance of the exemption to the
301 custodial agency.

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

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

310 Section 2. The Legislature finds that it is a public
311 necessity to expand the exemption from public records
312 requirements which applies to the home addresses, telephone
313 numbers, dates of birth, and photographs of firefighters
314 certified under s. 633.408; the home addresses, telephone
315 numbers, photographs, dates of birth, and places of employment
316 of the spouses and children of such firefighters; and the names
317 and locations of schools and day care facilities attended by the
318 children of such firefighters to include former firefighters and
319 their spouses and children. The personal identifying and

40-01176A-17

20171108__

320 location information of other former first responders, such as
321 former law enforcement officers, and their family members is
322 currently exempt from public records requirements. Firefighters
323 often respond to serious emergency situations, ranging from
324 domestic violence to homicide, and the release of personal
325 identifying and location information may place former
326 firefighters and their family members in danger of serious
327 physical or emotional harm by hostile individuals. The
328 Legislature further finds that the harm that may result from the
329 release of such identifying and location information outweighs
330 any public benefit that may be derived from the disclosure of
331 such information.

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