

By the Committee on Health Policy; and Senator Rader

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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 to certain identifying and
5 location information of current or former directors,
6 managers, supervisors, nurses, and clinical employees
7 of substance abuse service providers that are licensed
8 under part II of ch. 397, F.S., and the spouses and
9 children thereof; providing for retroactive
10 applicability; providing for future legislative review
11 and repeal of the exemption; providing a statement of
12 public necessity; providing an effective date.

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

15
16 Section 1. Paragraph (d) of subsection (4) of section
17 119.071, Florida Statutes, is amended to read:

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

20 (4) AGENCY PERSONNEL INFORMATION.—

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

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

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30 Families whose duties include the investigation of abuse,
31 neglect, exploitation, fraud, theft, or other criminal
32 activities, personnel of the Department of Health whose duties
33 are to 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 names, home
37 addresses, telephone numbers, photographs, dates of birth, and
38 places of employment of the spouses and children of such
39 personnel; and the names and locations of schools and day care
40 facilities attended by the children of such personnel are exempt
41 from s. 119.07(1) and s. 24(a), Art. I of the State
42 Constitution. This sub-subparagraph is subject to the Open
43 Government Sunset Review Act in accordance with s. 119.15 and
44 shall stand repealed on October 2, 2022, unless reviewed and
45 saved from repeal through reenactment by the Legislature.

46 b. The home addresses, telephone numbers, dates of birth,
47 and photographs of current or former nonsworn investigative
48 personnel of the Department of Financial Services whose duties
49 include the investigation of fraud, theft, workers' compensation
50 coverage requirements and compliance, other related criminal
51 activities, or state regulatory requirement violations; the
52 names, home addresses, telephone numbers, dates of birth, and
53 places of employment of the spouses and children of such
54 personnel; and the names and locations of schools and day care
55 facilities attended by the children of such personnel are exempt
56 from s. 119.07(1) and s. 24(a), Art. I of the State
57 Constitution. This sub-subparagraph is subject to the Open
58 Government Sunset Review Act in accordance with s. 119.15 and

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59 shall stand repealed on October 2, 2021, unless reviewed and
60 saved from repeal through reenactment by the Legislature.

61 c. The home addresses, telephone numbers, dates of birth,
62 and photographs of current or former nonsworn investigative
63 personnel of the Office of Financial Regulation's Bureau of
64 Financial Investigations whose duties include the investigation
65 of fraud, theft, other related criminal activities, or state
66 regulatory requirement violations; the names, home addresses,
67 telephone numbers, dates of birth, and places of employment of
68 the spouses and children of such personnel; and the names and
69 locations of schools and day care facilities attended by the
70 children of such personnel are exempt from s. 119.07(1) and s.
71 24(a), Art. I of the State Constitution. This sub-subparagraph
72 is subject to the Open Government Sunset Review Act in
73 accordance with s. 119.15 and shall stand repealed on October 2,
74 2022, unless reviewed and saved from repeal through reenactment
75 by the Legislature.

76 d. The home addresses, telephone numbers, dates of birth,
77 and photographs of current or former firefighters certified in
78 compliance with s. 633.408; the names, home addresses, telephone
79 numbers, photographs, dates of birth, and places of employment
80 of the spouses and children of such firefighters; and the names
81 and locations of schools and day care facilities attended by the
82 children of such firefighters are exempt from s. 119.07(1) and
83 s. 24(a), Art. I of the State Constitution. This sub-
84 subparagraph is subject to the Open Government Sunset Review Act
85 in accordance with s. 119.15, and shall stand repealed on
86 October 2, 2022, unless reviewed and saved from repeal through
87 reenactment by the Legislature.

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88 e. The home addresses, dates of birth, and telephone
89 numbers of current or former justices of the Supreme Court,
90 district court of appeal judges, circuit court judges, and
91 county court judges; the names, home addresses, telephone
92 numbers, dates of birth, and places of employment of the spouses
93 and children of current or former justices and judges; and the
94 names and locations of schools and day care facilities attended
95 by the children of current or former justices and judges are
96 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
97 Constitution. This sub-subparagraph is subject to the Open
98 Government Sunset Review Act in accordance with s. 119.15 and
99 shall stand repealed on October 2, 2022, unless reviewed and
100 saved from repeal through reenactment by the Legislature.

101 f. The home addresses, telephone numbers, dates of birth,
102 and photographs of current or former state attorneys, assistant
103 state attorneys, statewide prosecutors, or assistant statewide
104 prosecutors; the names, home addresses, telephone numbers,
105 photographs, dates of birth, and places of employment of the
106 spouses and children of current or former state attorneys,
107 assistant state attorneys, statewide prosecutors, or assistant
108 statewide prosecutors; and the names and locations of schools
109 and day care facilities attended by the children of current or
110 former state attorneys, assistant state attorneys, statewide
111 prosecutors, or assistant statewide prosecutors are exempt from
112 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

113 g. The home addresses, dates of birth, and telephone
114 numbers of general magistrates, special magistrates, judges of
115 compensation claims, administrative law judges of the Division
116 of Administrative Hearings, and child support enforcement

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117 hearing officers; the names, home addresses, telephone numbers,
118 dates of birth, and places of employment of the spouses and
119 children of general magistrates, special magistrates, judges of
120 compensation claims, administrative law judges of the Division
121 of Administrative Hearings, and child support enforcement
122 hearing officers; and the names and locations of schools and day
123 care facilities attended by the children of general magistrates,
124 special magistrates, judges of compensation claims,
125 administrative law judges of the Division of Administrative
126 Hearings, and child support enforcement hearing officers are
127 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
128 Constitution. This sub-subparagraph is subject to the Open
129 Government Sunset Review Act in accordance with s. 119.15 and
130 shall stand repealed on October 2, 2022, unless reviewed and
131 saved from repeal through reenactment by the Legislature.

132 h. The home addresses, telephone numbers, dates of birth,
133 and photographs of current or former human resource, labor
134 relations, or employee relations directors, assistant directors,
135 managers, or assistant managers of any local government agency
136 or water management district whose duties include hiring and
137 firing employees, labor contract negotiation, administration, or
138 other personnel-related duties; the names, home addresses,
139 telephone numbers, dates of birth, and places of employment of
140 the spouses and children of such personnel; and the names and
141 locations of schools and day care facilities attended by the
142 children of such personnel are exempt from s. 119.07(1) and s.
143 24(a), Art. I of the State Constitution.

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

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

152 j. The home addresses, telephone numbers, places of
153 employment, dates of birth, and photographs of current or former
154 guardians ad litem, as defined in s. 39.820; the names, home
155 addresses, telephone numbers, dates of birth, and places of
156 employment of the spouses and children of such persons; and the
157 names and locations of schools and day care facilities attended
158 by the children of such persons are exempt from s. 119.07(1) and
159 s. 24(a), Art. I of the State Constitution. This sub-
160 subparagraph is subject to the Open Government Sunset Review Act
161 in accordance with s. 119.15 and shall stand repealed on October
162 2, 2022, unless reviewed and saved from repeal through
163 reenactment by the Legislature.

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

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175 Juvenile Justice; the names, home addresses, telephone numbers,
176 dates of birth, and places of employment of spouses and children
177 of such personnel; and the names and locations of schools and
178 day care facilities attended by the children of such personnel
179 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
180 Constitution.

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

191 m. The home addresses, telephone numbers, dates of birth,
192 and photographs of current or former investigators or inspectors
193 of the Department of Business and Professional Regulation; the
194 names, home addresses, telephone numbers, dates of birth, and
195 places of employment of the spouses and children of such current
196 or former investigators and inspectors; and the names and
197 locations of schools and day care facilities attended by the
198 children of such current or former investigators and inspectors
199 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
200 Constitution. This sub-subparagraph is subject to the Open
201 Government Sunset Review Act in accordance with s. 119.15 and
202 shall stand repealed on October 2, 2022, unless reviewed and
203 saved from repeal through reenactment by the Legislature.

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204 n. The home addresses, telephone numbers, and dates of
205 birth of county tax collectors; the names, home addresses,
206 telephone numbers, dates of birth, and places of employment of
207 the spouses and children of such tax collectors; and the names
208 and locations of schools and day care facilities attended by the
209 children of such tax collectors are exempt from s. 119.07(1) and
210 s. 24(a), Art. I of the State Constitution. This sub-
211 subparagraph is subject to the Open Government Sunset Review Act
212 in accordance with s. 119.15 and shall stand repealed on October
213 2, 2022, unless reviewed and saved from repeal through
214 reenactment by the Legislature.

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

231 p. The home addresses, telephone numbers, dates of birth,
232 and photographs of current or former impaired practitioner

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233 consultants who are retained by an agency or current or former
234 employees of an impaired practitioner consultant whose duties
235 result in a determination of a person's skill and safety to
236 practice a licensed profession; the names, home addresses,
237 telephone numbers, dates of birth, and places of employment of
238 the spouses and children of such consultants or their employees;
239 and the names and locations of schools and day care facilities
240 attended by the children of such consultants or employees are
241 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
242 Constitution. This sub-subparagraph is subject to the Open
243 Government Sunset Review Act in accordance with s. 119.15 and
244 shall stand repealed on October 2, 2020, unless reviewed and
245 saved from repeal through reenactment by the Legislature.

246 q. The home addresses, telephone numbers, dates of birth,
247 and photographs of current or former emergency medical
248 technicians or paramedics certified under chapter 401; the
249 names, home addresses, telephone numbers, dates of birth, and
250 places of employment of the spouses and children of such
251 emergency medical technicians or paramedics; and the names and
252 locations of schools and day care facilities attended by the
253 children of such emergency medical technicians or paramedics are
254 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
255 Constitution. This sub-subparagraph is subject to the Open
256 Government Sunset Review Act in accordance with s. 119.15 and
257 shall stand repealed on October 2, 2021, unless reviewed and
258 saved from repeal through reenactment by the Legislature.

259 r. The home addresses, telephone numbers, dates of birth,
260 and photographs of current or former personnel employed in an
261 agency's office of inspector general or internal audit

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262 department whose duties include auditing or investigating waste,
263 fraud, abuse, theft, exploitation, or other activities that
264 could lead to criminal prosecution or administrative discipline;
265 the names, home addresses, telephone numbers, dates of birth,
266 and places of employment of spouses and children of such
267 personnel; and the names and locations of schools and day care
268 facilities attended by the children of such personnel are exempt
269 from s. 119.07(1) and s. 24(a), Art. I of the State
270 Constitution. This sub-subparagraph is subject to the Open
271 Government Sunset Review Act in accordance with s. 119.15 and
272 shall stand repealed on October 2, 2021, unless reviewed and
273 saved from repeal through reenactment by the Legislature.

274 s. The home addresses, telephone numbers, dates of birth,
275 and photographs of current or former directors, managers,
276 supervisors, nurses, and clinical employees of a substance abuse
277 service provider that is licensed under part II of chapter 397
278 and whose duties include the counseling and treatment of persons
279 who have mental health or substance abuse disorders; the home
280 addresses, telephone numbers, photographs, dates of birth, and
281 places of employment of the spouses and children of such
282 personnel; and the names and locations of schools and day care
283 facilities attended by the children of such personnel are exempt
284 from s. 119.07(1) and s. 24(a), Art. I of the State
285 Constitution. This sub-subparagraph is subject to the Open
286 Government Sunset Review Act in accordance with s. 119.15 and
287 shall stand repealed on October 2, 2023, unless reviewed and
288 saved from repeal through reenactment by the Legislature.

289 3. An agency that is the custodian of the information
290 specified in subparagraph 2. and that is not the employer of the

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291 officer, employee, justice, judge, or other person specified in
292 subparagraph 2. shall maintain the exempt status of that
293 information only if the officer, employee, justice, judge, other
294 person, or employing agency of the designated employee submits a
295 written request for maintenance of the exemption to the
296 custodial agency.

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

300 Section 2. (1) The Legislature finds that it is a public
301 necessity that all of the following identifying and location
302 information be exempt from s. 119.07(1), Florida Statutes, and
303 s. 24(a), Article I of the State Constitution:

304 (a) The home addresses, telephone numbers, dates of birth,
305 and photographs of current or former directors, managers,
306 supervisors, nurses, and clinical employees of a substance abuse
307 service provider that is licensed under part II of chapter 397,
308 Florida Statutes.

309 (b) The home addresses, telephone numbers, photographs,
310 dates of birth, and places of employment of the spouses and
311 children of personnel identified in paragraph (a).

312 (c) The names and locations of schools and day care
313 facilities attended by the children of such personnel.

314 (2) The Legislature finds that the release of such
315 identifying and location information may place current or former
316 directors, managers, supervisors, nurses, and clinical employees
317 of a substance abuse service provider that is licensed under
318 part II of chapter 397, Florida Statutes, and their family
319 members, in danger of physical and emotional harm from hostile

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320 persons who may react inappropriately and violently to actions
321 taken by such directors, managers, supervisors, nurses, or
322 clinical employees of a substance abuse service provider that is
323 licensed under part II of chapter 397, Florida Statutes. These
324 personnel provide services that are necessary and appropriate
325 for persons who have mental health or substance abuse disorders.
326 In addition, these personnel provide valuable and supportive
327 services to the state's most vulnerable residents. Despite the
328 value of such services, some persons may become hostile toward
329 the personnel and may pose a threat to them indefinitely. The
330 harm that may result from the release of such personal
331 identifying and location information outweighs any public
332 benefit that may be derived from the disclosure of the
333 information.

334 Section 3. This act shall take effect July 1, 2018.