

By the Committee on Criminal Justice; and Senators Hooper, Baxley, and Simpson

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; expanding exemptions from public
 4 records requirements for agency personnel information
 5 by defining the term "home addresses" for purposes of
 6 public records exemptions for personal identifying and
 7 location information of certain agency personnel and
 8 their family members; exempting personal identifying
 9 and location information of active or former civilian
 10 personnel employed by a law enforcement agency, and of
 11 spouses and children of such personnel, from public
 12 records requirements; providing for legislative review
 13 and repeal of the exemptions; providing statements of
 14 public necessity; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Paragraph (d) of subsection (4) of section
 19 119.071, Florida Statutes, is amended to read:

20 119.071 General exemptions from inspection or copying of
 21 public records.—

22 (4) AGENCY PERSONNEL INFORMATION.—

23 (d)1. For purposes of this paragraph, the term:

24 a. "Home addresses" means the dwelling location at which an
 25 individual resides and includes the physical address, mailing
 26 address, street address, parcel identification number, plot
 27 identification number, legal property description, neighborhood
 28 name and lot number, GPS coordinates, and any other descriptive
 29 property information that may reveal the home address.

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30 b. "Telephone numbers" includes home telephone numbers,
31 personal cellular telephone numbers, personal pager telephone
32 numbers, and telephone numbers associated with personal
33 communications devices.

34 2.a. The home addresses, telephone numbers, dates of birth,
35 and photographs of active or former sworn ~~or civilian~~ law
36 enforcement personnel or of active or former civilian personnel
37 employed by a law enforcement agency, including correctional and
38 correctional probation officers, personnel of the Department of
39 Children and Families whose duties include the investigation of
40 abuse, neglect, exploitation, fraud, theft, or other criminal
41 activities, personnel of the Department of Health whose duties
42 are to support the investigation of child abuse or neglect, and
43 personnel of the Department of Revenue or local governments
44 whose responsibilities include revenue collection and
45 enforcement or child support enforcement; the names, home
46 addresses, telephone numbers, photographs, dates of birth, and
47 places of employment of the spouses and children of such
48 personnel; and the names and locations of schools and day care
49 facilities attended by the children of such personnel are exempt
50 from s. 119.07(1) and s. 24(a), Art. I of the State
51 Constitution. ~~This sub-subparagraph is subject to the Open
52 Government Sunset Review Act in accordance with s. 119.15 and
53 shall stand repealed on October 2, 2022, unless reviewed and
54 saved from repeal through reenactment by the Legislature.~~

55 b. The home addresses, telephone numbers, dates of birth,
56 and photographs of current or former nonsworn investigative
57 personnel of the Department of Financial Services whose duties
58 include the investigation of fraud, theft, workers' compensation

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59 coverage requirements and compliance, other related criminal
60 activities, or state regulatory requirement violations; the
61 names, home addresses, telephone numbers, dates of birth, and
62 places of employment of the spouses and children of such
63 personnel; and the names and locations of schools and day care
64 facilities attended by the children of such personnel are exempt
65 from s. 119.07(1) and s. 24(a), Art. I of the State
66 Constitution. ~~This sub-subparagraph is subject to the Open
67 Government Sunset Review Act in accordance with s. 119.15 and
68 shall stand repealed on October 2, 2021, unless reviewed and
69 saved from repeal through reenactment by the Legislature.~~

70 c. The home addresses, telephone numbers, dates of birth,
71 and photographs of current or former nonsworn investigative
72 personnel of the Office of Financial Regulation's Bureau of
73 Financial Investigations whose duties include the investigation
74 of fraud, theft, other related criminal activities, or state
75 regulatory requirement violations; the names, home addresses,
76 telephone numbers, dates of birth, and places of employment of
77 the spouses and children of such personnel; and the names and
78 locations of schools and day care facilities attended by the
79 children of such personnel are exempt from s. 119.07(1) and s.
80 24(a), Art. I of the State Constitution. ~~This sub-subparagraph
81 is subject to the Open Government Sunset Review Act in
82 accordance with s. 119.15 and shall stand repealed on October 2,
83 2022, unless reviewed and saved from repeal through reenactment
84 by the Legislature.~~

85 d. The home addresses, telephone numbers, dates of birth,
86 and photographs of current or former firefighters certified in
87 compliance with s. 633.408; the names, home addresses, telephone

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88 numbers, photographs, dates of birth, and places of employment
89 of the spouses and children of such firefighters; and the names
90 and locations of schools and day care facilities attended by the
91 children of such firefighters are exempt from s. 119.07(1) and
92 s. 24(a), Art. I of the State Constitution. ~~This sub-~~
93 ~~subparagraph is subject to the Open Government Sunset Review Act~~
94 ~~in accordance with s. 119.15, and shall stand repealed on~~
95 ~~October 2, 2022, unless reviewed and saved from repeal through~~
96 ~~reenactment by the Legislature.~~

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

110 f. The home addresses, telephone numbers, dates of birth,
111 and photographs of current or former state attorneys, assistant
112 state attorneys, statewide prosecutors, or assistant statewide
113 prosecutors; the names, home addresses, telephone numbers,
114 photographs, dates of birth, and places of employment of the
115 spouses and children of current or former state attorneys,
116 assistant state attorneys, statewide prosecutors, or assistant

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117 statewide prosecutors; and the names and locations of schools
118 and day care facilities attended by the children of current or
119 former state attorneys, assistant state attorneys, statewide
120 prosecutors, or assistant statewide prosecutors are exempt from
121 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

141 h. The home addresses, telephone numbers, dates of birth,
142 and photographs of current or former human resource, labor
143 relations, or employee relations directors, assistant directors,
144 managers, or assistant managers of any local government agency
145 or water management district whose duties include hiring and

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146 firing employees, labor contract negotiation, administration, or
147 other personnel-related duties; the names, home addresses,
148 telephone numbers, dates of birth, and places of employment of
149 the spouses and children of such personnel; and the names and
150 locations of schools and day care facilities attended by the
151 children of such personnel are exempt from s. 119.07(1) and s.
152 24(a), Art. I of the State Constitution.

153 i. The home addresses, telephone numbers, dates of birth,
154 and photographs of current or former code enforcement officers;
155 the names, home addresses, telephone numbers, dates of birth,
156 and places of employment of the spouses and children of such
157 personnel; and the names and locations of schools and day care
158 facilities attended by the children of such personnel are exempt
159 from s. 119.07(1) and s. 24(a), Art. I of the State
160 Constitution.

161 j. The home addresses, telephone numbers, places of
162 employment, dates of birth, and photographs of current or former
163 guardians ad litem, as defined in s. 39.820; the names, home
164 addresses, telephone numbers, dates of birth, and places of
165 employment of the spouses and children of such persons; and the
166 names and locations of schools and day care facilities attended
167 by the children of such persons are exempt from s. 119.07(1) and
168 s. 24(a), Art. I of the State Constitution. ~~This sub-~~
169 ~~subparagraph is subject to the Open Government Sunset Review Act~~
170 ~~in accordance with s. 119.15 and shall stand repealed on October~~
171 ~~2, 2022, unless reviewed and saved from repeal through~~
172 ~~reenactment by the Legislature.~~

173 k. The home addresses, telephone numbers, dates of birth,
174 and photographs of current or former juvenile probation

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175 officers, juvenile probation supervisors, detention
176 superintendents, assistant detention superintendents, juvenile
177 justice detention officers I and II, juvenile justice detention
178 officer supervisors, juvenile justice residential officers,
179 juvenile justice residential officer supervisors I and II,
180 juvenile justice counselors, juvenile justice counselor
181 supervisors, human services counselor administrators, senior
182 human services counselor administrators, rehabilitation
183 therapists, and social services counselors of the Department of
184 Juvenile Justice; the names, home addresses, telephone numbers,
185 dates of birth, and places of employment of spouses and children
186 of such personnel; and the names and locations of schools and
187 day care facilities attended by the children of such personnel
188 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
189 Constitution.

190 1. The home addresses, telephone numbers, dates of birth,
191 and photographs of current or former public defenders, assistant
192 public defenders, criminal conflict and civil regional counsel,
193 and assistant criminal conflict and civil regional counsel; the
194 names, home addresses, telephone numbers, dates of birth, and
195 places of employment of the spouses and children of current or
196 former public defenders, assistant public defenders, criminal
197 conflict and civil regional counsel, and assistant criminal
198 conflict and civil regional counsel; and the names and locations
199 of schools and day care facilities attended by the children of
200 current or former public defenders, assistant public defenders,
201 criminal conflict and civil regional counsel, and assistant
202 criminal conflict and civil regional counsel are exempt from s.
203 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

217 n. The home addresses, telephone numbers, and dates of
218 birth of county tax collectors; the names, home addresses,
219 telephone numbers, dates of birth, and places of employment of
220 the spouses and children of such tax collectors; and the names
221 and locations of schools and day care facilities attended by the
222 children of such tax collectors are exempt from s. 119.07(1) and
223 s. 24(a), Art. I of the State Constitution. ~~This sub-
224 subparagraph is subject to the Open Government Sunset Review Act
225 in accordance with s. 119.15 and shall stand repealed on October
226 2, 2022, unless reviewed and saved from repeal through
227 reenactment by the Legislature.~~

228 o. The home addresses, telephone numbers, dates of birth,
229 and photographs of current or former personnel of the Department
230 of Health whose duties include, or result in, the determination
231 or adjudication of eligibility for social security disability
232 benefits, the investigation or prosecution of complaints filed

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233 against health care practitioners, or the inspection of health
234 care practitioners or health care facilities licensed by the
235 Department of Health; the names, home addresses, telephone
236 numbers, dates of birth, and places of employment of the spouses
237 and children of such personnel; and the names and locations of
238 schools and day care facilities attended by the children of such
239 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
240 the State Constitution. ~~This sub-subparagraph is subject to the~~
241 ~~Open Government Sunset Review Act in accordance with s. 119.15~~
242 ~~and shall stand repealed on October 2, 2019, unless reviewed and~~
243 ~~saved from repeal through reenactment by the Legislature.~~

244 p. The home addresses, telephone numbers, dates of birth,
245 and photographs of current or former impaired practitioner
246 consultants who are retained by an agency or current or former
247 employees of an impaired practitioner consultant whose duties
248 result in a determination of a person's skill and safety to
249 practice a licensed profession; the names, home addresses,
250 telephone numbers, dates of birth, and places of employment of
251 the spouses and children of such consultants or their employees;
252 and the names and locations of schools and day care facilities
253 attended by the children of such consultants or employees 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, 2020, unless reviewed and~~
258 ~~saved from repeal through reenactment by the Legislature.~~

259 q. The home addresses, telephone numbers, dates of birth,
260 and photographs of current or former emergency medical
261 technicians or paramedics certified under chapter 401; the

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262 names, home addresses, telephone numbers, dates of birth, and
263 places of employment of the spouses and children of such
264 emergency medical technicians or paramedics; and the names and
265 locations of schools and day care facilities attended by the
266 children of such emergency medical technicians or paramedics are
267 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
268 Constitution. ~~This sub-subparagraph is subject to the Open
269 Government Sunset Review Act in accordance with s. 119.15 and
270 shall stand repealed on October 2, 2021, unless reviewed and
271 saved from repeal through reenactment by the Legislature.~~

272 r. The home addresses, telephone numbers, dates of birth,
273 and photographs of current or former personnel employed in an
274 agency's office of inspector general or internal audit
275 department whose duties include auditing or investigating waste,
276 fraud, abuse, theft, exploitation, or other activities that
277 could lead to criminal prosecution or administrative discipline;
278 the names, home addresses, telephone numbers, dates of birth,
279 and places of employment of spouses and children of such
280 personnel; and the names and locations of schools and day care
281 facilities attended by the children of such personnel are exempt
282 from s. 119.07(1) and s. 24(a), Art. I of the State
283 Constitution. ~~This sub-subparagraph is subject to the Open
284 Government Sunset Review Act in accordance with s. 119.15 and
285 shall stand repealed on October 2, 2021, unless reviewed and
286 saved from repeal through reenactment by the Legislature.~~

287 s. The home addresses, telephone numbers, dates of birth,
288 and photographs of current or former directors, managers,
289 supervisors, nurses, and clinical employees of an addiction
290 treatment facility; the home addresses, telephone numbers,

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291 photographs, dates of birth, and places of employment of the
292 spouses and children of such personnel; and the names and
293 locations of schools and day care facilities attended by the
294 children of such personnel are exempt from s. 119.07(1) and s.
295 24(a), Art. I of the State Constitution. For purposes of this
296 sub-subparagraph, the term "addiction treatment facility" means
297 a county government, or agency thereof, that is licensed
298 pursuant to s. 397.401 and provides substance abuse prevention,
299 intervention, or clinical treatment, including any licensed
300 service component described in s. 397.311(26). ~~This sub-~~
301 ~~subparagraph is subject to the Open Government Sunset Review Act~~
302 ~~in accordance with s. 119.15 and shall stand repealed on October~~
303 ~~2, 2023, unless reviewed and saved from repeal through~~
304 ~~reenactment by the Legislature.~~

305 t. The home addresses, telephone numbers, dates of birth,
306 and photographs of current or former directors, managers,
307 supervisors, and clinical employees of a child advocacy center
308 that meets the standards of s. 39.3035(1) and fulfills the
309 screening requirement of s. 39.3035(2), and the members of a
310 child protection team as described in s. 39.303 whose duties
311 include supporting the investigation of child abuse or sexual
312 abuse, child abandonment, child neglect, and child exploitation
313 or to provide services as part of a multidisciplinary case
314 review team; the names, home addresses, telephone numbers,
315 photographs, dates of birth, and places of employment of the
316 spouses and children of such personnel and members; and the
317 names and locations of schools and day care facilities attended
318 by the children of such personnel and members are exempt from s.
319 119.07(1) and s. 24(a), Art. I of the State Constitution. ~~This~~

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320 ~~sub-subparagraph is subject to the Open Government Sunset Review~~
321 ~~Act in accordance with s. 119.15 and shall stand repealed on~~
322 ~~October 2, 2023, unless reviewed and saved from repeal through~~
323 ~~reenactment by the Legislature.~~

324 3. An agency that is the custodian of the information
325 specified in subparagraph 2. and that is not the employer of the
326 officer, employee, justice, judge, or other person specified in
327 subparagraph 2. shall maintain the exempt status of that
328 information only if the officer, employee, justice, judge, other
329 person, or employing agency of the designated employee submits a
330 written request for maintenance of the exemption to the
331 custodial agency.

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

335 5. This paragraph is subject to the Open Government Sunset
336 Review Act in accordance with s. 119.15 and shall stand repealed
337 on October 2, 2024, unless reviewed and saved from repeal
338 through reenactment by the Legislature.

339 Section 2. (1) The Legislature finds that it is a public
340 necessity to define the term "home addresses" for purposes of
341 the public records exemptions for agency personnel information
342 under s. 119.071(4) (d), Florida Statutes. The public records
343 exemptions for agency personnel information protect identifying
344 and location information of numerous types of personnel,
345 including, but not limited to, current or former law enforcement
346 officers, investigative personnel, state attorneys and
347 prosecutors, public defenders, guardians ad litem, Supreme Court
348 justices, various judges, and the spouses and children of such

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349 personnel. The Legislature has previously recognized that such
350 personnel and their family members are at a heightened risk of
351 physical and emotional harm from disgruntled individuals who
352 have contentious reactions to actions taken by such personnel,
353 or whose business or professional practices have come under
354 scrutiny of such personnel, and, as a result, has enacted
355 various public records exemptions. While home addresses of such
356 personnel and their family members are already exempt from s.
357 119.07(1), Florida Statutes, and s. 24(a), Article I of the
358 State Constitution, the current exemptions do not provide
359 protection for various forms of descriptive property information
360 that may be used on its own, or in conjunction with other
361 information, to reveal the home addresses that otherwise should
362 be protected from public disclosure. Therefore, the Legislature
363 finds that it is a public necessity to specifically define the
364 term "home addresses" so that the safety and privacy of various
365 personnel and their family members are not compromised.

366 (2) The Legislature further finds that it is a public
367 necessity that the home addresses, telephone numbers, dates of
368 birth, and photographs of active or former civilian personnel
369 employed by a law enforcement agency; the names, home addresses,
370 telephone numbers, photographs, dates of birth, and places of
371 employment of the spouses and children of such personnel; and
372 the names and locations of schools and day care facilities
373 attended by the children of such personnel be exempt from public
374 records requirements. Existing law already provides that the
375 identifying and location information of active or former
376 civilian law enforcement personnel and their spouses and
377 children are exempt from public records requirements. The

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378 amendment made by this act further specifies that any active or
379 former civilian personnel employed by a law enforcement agency
380 and their spouses and children are entitled to the protections
381 of the public records exemption. The civilian personnel of law
382 enforcement agencies perform a variety of important duties that
383 ensure public safety and welfare and encourage safe and secure
384 communities. As a result of such duties, these civilian
385 personnel often come into close contact with individuals who not
386 only may be a threat to those personnel, but who might also seek
387 to take revenge against them by harming their spouses and
388 children. The Legislature finds that modifying the public
389 records exemption to apply to all active or former civilian
390 personnel employed by a law enforcement agency and their spouses
391 and children will serve the public interest by further ensuring
392 the safety of such personnel.

393 Section 3. This act shall take effect July 1, 2019.