

By the Committees on Rules; Governmental Oversight and Accountability; and Criminal Justice; and Senators Hooper, Baxley, Simpson, Perry, and Book

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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; authorizing certain persons to
 13 request the release of exempt information in a
 14 specified manner; requiring a custodial agency to
 15 release such information upon receipt of such a
 16 request; providing for retroactive application;
 17 providing for legislative review and repeal of the
 18 exemptions; providing statements of public necessity;
 19 providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Paragraph (d) of subsection (4) of section
 24 119.071, Florida Statutes, is amended to read:

25 119.071 General exemptions from inspection or copying of
 26 public records.—

27 (4) AGENCY PERSONNEL INFORMATION.—

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

29 a. "Home addresses" means the dwelling location at which an

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30 individual resides and includes the physical address, mailing
31 address, street address, parcel identification number, plot
32 identification number, legal property description, neighborhood
33 name and lot number, GPS coordinates, and any other descriptive
34 property information that may reveal the home address.

35 b. "Telephone numbers" includes home telephone numbers,
36 personal cellular telephone numbers, personal pager telephone
37 numbers, and telephone numbers associated with personal
38 communications devices.

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

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59 ~~saved from repeal through reenactment by the Legislature.~~

60 b. The home addresses, telephone numbers, dates of birth,
61 and photographs of current or former nonsworn investigative
62 personnel of the Department of Financial Services whose duties
63 include the investigation of fraud, theft, workers' compensation
64 coverage requirements and compliance, other related criminal
65 activities, or state regulatory requirement violations; the
66 names, home addresses, telephone numbers, dates of birth, and
67 places of employment of the spouses and children of such
68 personnel; and the names and locations of schools and day care
69 facilities attended by the children of such personnel are exempt
70 from s. 119.07(1) and s. 24(a), Art. I of the State
71 Constitution. ~~This sub-subparagraph is subject to the Open
72 Government Sunset Review Act in accordance with s. 119.15 and
73 shall stand repealed on October 2, 2021, unless reviewed and
74 saved from repeal through reenactment by the Legislature.~~

75 c. The home addresses, telephone numbers, dates of birth,
76 and photographs of current or former nonsworn investigative
77 personnel of the Office of Financial Regulation's Bureau of
78 Financial Investigations whose duties include the investigation
79 of fraud, theft, other related criminal activities, or state
80 regulatory requirement violations; the names, home addresses,
81 telephone numbers, dates of birth, and places of employment of
82 the spouses and children of such personnel; and the names and
83 locations of schools and day care facilities attended by the
84 children of such personnel are exempt from s. 119.07(1) and s.
85 24(a), Art. I of the State Constitution. ~~This sub-subparagraph
86 is subject to the Open Government Sunset Review Act in
87 accordance with s. 119.15 and shall stand repealed on October 2,~~

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88 ~~2022, unless reviewed and saved from repeal through reenactment~~
89 ~~by the Legislature.~~

90 d. The home addresses, telephone numbers, dates of birth,
91 and photographs of current or former firefighters certified in
92 compliance with s. 633.408; the names, home addresses, telephone
93 numbers, photographs, dates of birth, and places of employment
94 of the spouses and children of such firefighters; and the names
95 and locations of schools and day care facilities attended by the
96 children of such firefighters are exempt from s. 119.07(1) and
97 s. 24(a), Art. I of the State Constitution. ~~This sub-~~
98 ~~subparagraph is subject to the Open Government Sunset Review Act~~
99 ~~in accordance with s. 119.15, and shall stand repealed on~~
100 ~~October 2, 2022, unless reviewed and saved from repeal through~~
101 ~~reenactment by the Legislature.~~

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

115 f. The home addresses, telephone numbers, dates of birth,
116 and photographs of current or former state attorneys, assistant

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117 state attorneys, statewide prosecutors, or assistant statewide
118 prosecutors; the names, home addresses, telephone numbers,
119 photographs, dates of birth, and places of employment of the
120 spouses and children of current or former state attorneys,
121 assistant state attorneys, statewide prosecutors, or assistant
122 statewide prosecutors; and the names and locations of schools
123 and day care facilities attended by the children of current or
124 former state attorneys, assistant state attorneys, statewide
125 prosecutors, or assistant statewide prosecutors are exempt from
126 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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146 h. The home addresses, telephone numbers, dates of birth,
147 and photographs of current or former human resource, labor
148 relations, or employee relations directors, assistant directors,
149 managers, or assistant managers of any local government agency
150 or water management district whose duties include hiring and
151 firing employees, labor contract negotiation, administration, or
152 other personnel-related duties; the names, home addresses,
153 telephone numbers, dates of birth, and places of employment of
154 the spouses and children of such personnel; and the names and
155 locations of schools and day care facilities attended by the
156 children of such personnel are exempt from s. 119.07(1) and s.
157 24(a), Art. I of the State Constitution.

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

166 j. The home addresses, telephone numbers, places of
167 employment, dates of birth, and photographs of current or former
168 guardians ad litem, as defined in s. 39.820; the names, home
169 addresses, telephone numbers, dates of birth, and places of
170 employment of the spouses and children of such persons; and the
171 names and locations of schools and day care facilities attended
172 by the children of such persons are exempt from s. 119.07(1) and
173 s. 24(a), Art. I of the State Constitution. ~~This sub-~~
174 ~~subparagraph is subject to the Open Government Sunset Review Act~~

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175 ~~in accordance with s. 119.15 and shall stand repealed on October~~
176 ~~2, 2022, unless reviewed and saved from repeal through~~
177 ~~reenactment by the Legislature.~~

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

195 l. The home addresses, telephone numbers, dates of birth,
196 and photographs of current or former public defenders, assistant
197 public defenders, criminal conflict and civil regional counsel,
198 and assistant criminal conflict and civil regional counsel; the
199 names, home addresses, telephone numbers, dates of birth, and
200 places of employment of the spouses and children of current or
201 former public defenders, assistant public defenders, criminal
202 conflict and civil regional counsel, and assistant criminal
203 conflict and civil regional counsel; and the names and locations

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204 of schools and day care facilities attended by the children of
205 current or former public defenders, assistant public defenders,
206 criminal conflict and civil regional counsel, and assistant
207 criminal conflict and civil regional counsel are exempt from s.
208 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

222 n. The home addresses, telephone numbers, and dates of
223 birth of county tax collectors; the names, home addresses,
224 telephone numbers, dates of birth, and places of employment of
225 the spouses and children of such tax collectors; and the names
226 and locations of schools and day care facilities attended by the
227 children of such tax collectors are exempt from s. 119.07(1) and
228 s. 24(a), Art. I of the State Constitution. ~~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, 2022, unless reviewed and saved from repeal through
232 reenactment by the Legislature.~~

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233 o. The home addresses, telephone numbers, dates of birth,
234 and photographs of current or former personnel of the Department
235 of Health whose duties include, or result in, the determination
236 or adjudication of eligibility for social security disability
237 benefits, the investigation or prosecution of complaints filed
238 against health care practitioners, or the inspection of health
239 care practitioners or health care facilities licensed by the
240 Department of Health; the names, home addresses, telephone
241 numbers, dates of birth, and places of employment of the spouses
242 and children of such personnel; and the names and locations of
243 schools and day care facilities attended by the children of such
244 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
245 the State Constitution. ~~This sub-subparagraph is subject to the~~
246 ~~Open Government Sunset Review Act in accordance with s. 119.15~~
247 ~~and shall stand repealed on October 2, 2019, unless reviewed and~~
248 ~~saved from repeal through reenactment by the Legislature.~~

249 p. The home addresses, telephone numbers, dates of birth,
250 and photographs of current or former impaired practitioner
251 consultants who are retained by an agency or current or former
252 employees of an impaired practitioner consultant whose duties
253 result in a determination of a person's skill and safety to
254 practice a licensed profession; the names, home addresses,
255 telephone numbers, dates of birth, and places of employment of
256 the spouses and children of such consultants or their employees;
257 and the names and locations of schools and day care facilities
258 attended by the children of such consultants or employees are
259 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
260 Constitution. ~~This sub-subparagraph is subject to the Open~~
261 ~~Government Sunset Review Act in accordance with s. 119.15 and~~

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262 ~~shall stand repealed on October 2, 2020, unless reviewed and~~
263 ~~saved from repeal through reenactment by the Legislature.~~

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

277 r. 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
288 Constitution. ~~This sub-subparagraph is subject to the Open~~
289 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
290 ~~shall stand repealed on October 2, 2021, unless reviewed and~~

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291 ~~saved from repeal through reenactment by the Legislature.~~

292 s. The home addresses, telephone numbers, dates of birth,
293 and photographs of current or former directors, managers,
294 supervisors, nurses, and clinical employees of an addiction
295 treatment facility; the home addresses, telephone numbers,
296 photographs, dates of birth, and places of employment of the
297 spouses and children of such personnel; and the names and
298 locations of schools and day care facilities attended by the
299 children of such personnel are exempt from s. 119.07(1) and s.
300 24(a), Art. I of the State Constitution. For purposes of this
301 sub-subparagraph, the term "addiction treatment facility" means
302 a county government, or agency thereof, that is licensed
303 pursuant to s. 397.401 and provides substance abuse prevention,
304 intervention, or clinical treatment, including any licensed
305 service component described in s. 397.311(26). ~~This sub-~~
306 ~~subparagraph is subject to the Open Government Sunset Review Act~~
307 ~~in accordance with s. 119.15 and shall stand repealed on October~~
308 ~~2, 2023, unless reviewed and saved from repeal through~~
309 ~~reenactment by the Legislature.~~

310 t. The home addresses, telephone numbers, dates of birth,
311 and photographs of current or former directors, managers,
312 supervisors, and clinical employees of a child advocacy center
313 that meets the standards of s. 39.3035(1) and fulfills the
314 screening requirement of s. 39.3035(2), and the members of a
315 child protection team as described in s. 39.303 whose duties
316 include supporting the investigation of child abuse or sexual
317 abuse, child abandonment, child neglect, and child exploitation
318 or to provide services as part of a multidisciplinary case
319 review team; the names, home addresses, telephone numbers,

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320 photographs, dates of birth, and places of employment of the
321 spouses and children of such personnel and members; and the
322 names and locations of schools and day care facilities attended
323 by the children of such personnel and members are exempt from s.
324 119.07(1) and s. 24(a), Art. I of the State Constitution. ~~This~~
325 ~~sub-subparagraph is subject to the Open Government Sunset Review~~
326 ~~Act in accordance with s. 119.15 and shall stand repealed on~~
327 ~~October 2, 2023, unless reviewed and saved from repeal through~~
328 ~~reenactment by the Legislature.~~

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

337 4. An officer, an employee, a justice, a judge, or other
338 person specified in subparagraph 2. may submit a written request
339 for the release of his or her exempt information to the
340 custodial agency. The written request must be notarized and must
341 specify the information to be released and the party that is
342 authorized to receive the information. Upon receipt of the
343 written request, the custodial agency shall release the
344 specified information to the party authorized to receive such
345 information.

346 5. The exemptions in this paragraph apply to information
347 held by an agency before, on, or after the effective date of the
348 exemption.

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349 6. This paragraph is subject to the Open Government Sunset
350 Review Act in accordance with s. 119.15 and shall stand repealed
351 on October 2, 2024, unless reviewed and saved from repeal
352 through reenactment by the Legislature.

353 Section 2. (1) The Legislature finds that it is a public
354 necessity to define the term "home addresses" for purposes of
355 the public records exemptions for agency personnel information
356 under s. 119.071(4)(d), Florida Statutes. The public records
357 exemptions for agency personnel information protect identifying
358 and location information of numerous types of personnel,
359 including, but not limited to, current or former law enforcement
360 officers, investigative personnel, state attorneys and
361 prosecutors, public defenders, guardians ad litem, Supreme Court
362 justices, various judges, and the spouses and children of such
363 personnel. The Legislature has previously recognized that such
364 personnel and their family members are at a heightened risk of
365 physical and emotional harm from disgruntled individuals who
366 have contentious reactions to actions taken by such personnel,
367 or whose business or professional practices have come under
368 scrutiny of such personnel, and, as a result, has enacted
369 various public records exemptions. While home addresses of such
370 personnel and their family members are already exempt from s.
371 119.07(1), Florida Statutes, and s. 24(a), Article I of the
372 State Constitution, the current exemptions do not provide
373 protection for various forms of descriptive property information
374 that may be used on its own, or in conjunction with other
375 information, to reveal the home addresses that otherwise should
376 be protected from public disclosure. Therefore, the Legislature
377 finds that it is a public necessity to specifically define the

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378 term "home addresses" so that the safety and privacy of various
379 personnel and their family members are not compromised.

380 (2) The Legislature further finds that it is a public
381 necessity that the home addresses, telephone numbers, dates of
382 birth, and photographs of active or former civilian personnel
383 employed by a law enforcement agency; the names, home addresses,
384 telephone numbers, photographs, dates of birth, and places of
385 employment of the spouses and children of such personnel; and
386 the names and locations of schools and day care facilities
387 attended by the children of such personnel be exempt from public
388 records requirements. Existing law already provides that the
389 identifying and location information of active or former
390 civilian law enforcement personnel and their spouses and
391 children are exempt from public records requirements. The
392 amendment made by this act further specifies that any active or
393 former civilian personnel employed by a law enforcement agency
394 and their spouses and children are entitled to the protections
395 of the public records exemption. The civilian personnel of law
396 enforcement agencies perform a variety of important duties that
397 ensure public safety and welfare and encourage safe and secure
398 communities. As a result of such duties, these civilian
399 personnel often come into close contact with individuals who not
400 only may be a threat to those personnel, but who might also seek
401 to take revenge against them by harming their spouses and
402 children. The Legislature finds that modifying the public
403 records exemption to apply to all active or former civilian
404 personnel employed by a law enforcement agency and their spouses
405 and children will serve the public interest by further ensuring
406 the safety of such personnel.

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