

By Senator Stargel

22-00943-21

20211488__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for certain identifying and
5 location information of current members of the
6 Legislature and the Cabinet, and the children and
7 spouses of such legislators and officers; providing
8 for retroactive application; amending s. 119.10, F.S.;
9 creating a criminal penalty for any person who
10 knowingly and maliciously publishes or disseminates
11 protected identifying information with the intent to
12 intimidate, hinder, or interrupt current legislators
13 and officers; providing that a violation results in a
14 first degree misdemeanor; providing a statement of
15 public necessity; providing an effective date.

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

18
19 Section 1. Paragraph (d) of subsection (4) of section
20 119.071, Florida Statutes, is amended to read:

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

23 (4) AGENCY PERSONNEL INFORMATION.—

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

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

22-00943-21

20211488__

30 property information that may reveal the home address.

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

35 2.a. The home addresses, telephone numbers, dates of birth,
36 and photographs of active or former sworn law enforcement
37 personnel or of active or former civilian personnel employed by
38 a law enforcement agency, including correctional and
39 correctional probation officers, personnel of the Department of
40 Children and Families whose duties include the investigation of
41 abuse, neglect, exploitation, fraud, theft, or other criminal
42 activities, personnel of the Department of Health whose duties
43 are to support the investigation of child abuse or neglect, and
44 personnel of the Department of Revenue or local governments
45 whose responsibilities include revenue collection and
46 enforcement or child support enforcement; the names, home
47 addresses, telephone numbers, photographs, dates of birth, and
48 places of employment of the spouses and children of such
49 personnel; and the names and locations of schools and day care
50 facilities attended by the children of such personnel are exempt
51 from s. 119.07(1) and s. 24(a), Art. I of the State
52 Constitution.

53 b. The home addresses, telephone numbers, dates of birth,
54 and photographs of current or former nonsworn investigative
55 personnel of the Department of Financial Services whose duties
56 include the investigation of fraud, theft, workers' compensation
57 coverage requirements and compliance, other related criminal
58 activities, or state regulatory requirement violations; the

22-00943-21

20211488__

59 names, home addresses, telephone numbers, dates of birth, and
60 places of employment of the spouses and children of such
61 personnel; and the names and locations of schools and day care
62 facilities attended by the children of such personnel are exempt
63 from s. 119.07(1) and s. 24(a), Art. I of the State
64 Constitution.

65 c. The home addresses, telephone numbers, dates of birth,
66 and photographs of current or former nonsworn investigative
67 personnel of the Office of Financial Regulation's Bureau of
68 Financial Investigations whose duties include the investigation
69 of fraud, theft, other related criminal activities, or state
70 regulatory requirement violations; the names, home addresses,
71 telephone numbers, dates of birth, and places of employment of
72 the spouses and children of such personnel; and the names and
73 locations of schools and day care facilities attended by the
74 children of such personnel are exempt from s. 119.07(1) and s.
75 24(a), Art. I of the State Constitution.

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.

84 e. The home addresses, dates of birth, and telephone
85 numbers of current or former justices of the Supreme Court,
86 district court of appeal judges, circuit court judges, and
87 county court judges; the names, home addresses, telephone

22-00943-21

20211488__

88 numbers, dates of birth, and places of employment of the spouses
89 and children of current or former justices and judges; and the
90 names and locations of schools and day care facilities attended
91 by the children of current or former justices and judges are
92 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
93 Constitution.

94 f. The home addresses, telephone numbers, dates of birth,
95 and photographs of current or former state attorneys, assistant
96 state attorneys, statewide prosecutors, or assistant statewide
97 prosecutors; the names, home addresses, telephone numbers,
98 photographs, dates of birth, and places of employment of the
99 spouses and children of current or former state attorneys,
100 assistant state attorneys, statewide prosecutors, or assistant
101 statewide prosecutors; and the names and locations of schools
102 and day care facilities attended by the children of current or
103 former state attorneys, assistant state attorneys, statewide
104 prosecutors, or assistant statewide prosecutors are exempt from
105 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

22-00943-21

20211488__

117 special magistrates, judges of compensation claims,
118 administrative law judges of the Division of Administrative
119 Hearings, and child support enforcement hearing officers are
120 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
121 Constitution.

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

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

142 j. The home addresses, telephone numbers, places of
143 employment, dates of birth, and photographs of current or former
144 guardians ad litem, as defined in s. 39.820; the names, home
145 addresses, telephone numbers, dates of birth, and places of

22-00943-21

20211488__

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

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

167 l. The home addresses, telephone numbers, dates of birth,
168 and photographs of current or former public defenders, assistant
169 public defenders, criminal conflict and civil regional counsel,
170 and assistant criminal conflict and civil regional counsel; the
171 names, home addresses, telephone numbers, dates of birth, and
172 places of employment of the spouses and children of current or
173 former public defenders, assistant public defenders, criminal
174 conflict and civil regional counsel, and assistant criminal

22-00943-21

20211488__

175 conflict and civil regional counsel; and the names and locations
176 of schools and day care facilities attended by the children of
177 current or former public defenders, assistant public defenders,
178 criminal conflict and civil regional counsel, and assistant
179 criminal conflict and civil regional counsel are exempt from s.
180 119.07(1) and s. 24(a), Art. I of the State Constitution.

181 m. The home addresses, telephone numbers, dates of birth,
182 and photographs of current or former investigators or inspectors
183 of the Department of Business and Professional Regulation; the
184 names, home addresses, telephone numbers, dates of birth, and
185 places of employment of the spouses and children of such current
186 or former investigators and inspectors; and the names and
187 locations of schools and day care facilities attended by the
188 children of such current or former investigators and inspectors
189 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
190 Constitution.

191 n. The home addresses, telephone numbers, and dates of
192 birth of county tax collectors; the names, home addresses,
193 telephone numbers, dates of birth, and places of employment of
194 the spouses and children of such tax collectors; and the names
195 and locations of schools and day care facilities attended by the
196 children of such tax collectors are exempt from s. 119.07(1) and
197 s. 24(a), Art. I of the State Constitution.

198 o. The home addresses, telephone numbers, dates of birth,
199 and photographs of current or former personnel of the Department
200 of Health whose duties include, or result in, the determination
201 or adjudication of eligibility for social security disability
202 benefits, the investigation or prosecution of complaints filed
203 against health care practitioners, or the inspection of health

22-00943-21

20211488__

204 care practitioners or health care facilities licensed by the
205 Department of Health; the names, home addresses, telephone
206 numbers, dates of birth, and places of employment of the spouses
207 and children of such personnel; and the names and locations of
208 schools and day care facilities attended by the children of such
209 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
210 the State Constitution.

211 p. The home addresses, telephone numbers, dates of birth,
212 and photographs of current or former impaired practitioner
213 consultants who are retained by an agency or current or former
214 employees of an impaired practitioner consultant whose duties
215 result in a determination of a person's skill and safety to
216 practice a licensed profession; the names, home addresses,
217 telephone numbers, dates of birth, and places of employment of
218 the spouses and children of such consultants or their employees;
219 and the names and locations of schools and day care facilities
220 attended by the children of such consultants or employees are
221 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
222 Constitution.

223 q. The home addresses, telephone numbers, dates of birth,
224 and photographs of current or former emergency medical
225 technicians or paramedics certified under chapter 401; the
226 names, home addresses, telephone numbers, dates of birth, and
227 places of employment of the spouses and children of such
228 emergency medical technicians or paramedics; and the names and
229 locations of schools and day care facilities attended by the
230 children of such emergency medical technicians or paramedics are
231 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
232 Constitution.

22-00943-21

20211488__

233 r. The home addresses, telephone numbers, dates of birth,
234 and photographs of current or former personnel employed in an
235 agency's office of inspector general or internal audit
236 department whose duties include auditing or investigating waste,
237 fraud, abuse, theft, exploitation, or other activities that
238 could lead to criminal prosecution or administrative discipline;
239 the names, home addresses, telephone numbers, dates of birth,
240 and places of employment of spouses and children of such
241 personnel; and the names and locations of schools and day care
242 facilities attended by the children of such personnel are exempt
243 from s. 119.07(1) and s. 24(a), Art. I of the State
244 Constitution.

245 s. The home addresses, telephone numbers, dates of birth,
246 and photographs of current or former directors, managers,
247 supervisors, nurses, and clinical employees of an addiction
248 treatment facility; the home addresses, telephone numbers,
249 photographs, dates of birth, and places of employment of the
250 spouses and children of such personnel; and the names and
251 locations of schools and day care facilities attended by the
252 children of such personnel are exempt from s. 119.07(1) and s.
253 24(a), Art. I of the State Constitution. For purposes of this
254 sub-subparagraph, the term "addiction treatment facility" means
255 a county government, or agency thereof, that is licensed
256 pursuant to s. 397.401 and provides substance abuse prevention,
257 intervention, or clinical treatment, including any licensed
258 service component described in s. 397.311(26).

259 t. The home addresses, telephone numbers, dates of birth,
260 and photographs of current or former directors, managers,
261 supervisors, and clinical employees of a child advocacy center

22-00943-21

20211488__

262 that meets the standards of s. 39.3035(1) and fulfills the
263 screening requirement of s. 39.3035(2), and the members of a
264 Child Protection Team as described in s. 39.303 whose duties
265 include supporting the investigation of child abuse or sexual
266 abuse, child abandonment, child neglect, and child exploitation
267 or to provide services as part of a multidisciplinary case
268 review team; the names, home addresses, telephone numbers,
269 photographs, dates of birth, and places of employment of the
270 spouses and children of such personnel and members; and the
271 names and locations of schools and day care facilities attended
272 by the children of such personnel and members are exempt from s.
273 119.07(1) and s. 24(a), Art. I of the State Constitution.

274 u. The home addresses, telephone numbers, and dates of
275 birth of current members of the Senate, members of the House of
276 Representatives, and Cabinet officers; the names, home
277 addresses, telephone numbers, dates of birth, and places of
278 employment of the spouses and children of current legislators
279 and Cabinet officers; and the names and locations of schools and
280 day care facilities attended by the children of current
281 legislators and Cabinet officers are exempt from s. 119.07(1)
282 and s. 24(a), Art. I of the State Constitution.

283 3. An agency that is the custodian of the information
284 specified in subparagraph 2. and that is not the employer of the
285 officer, employee, justice, judge, or other person specified in
286 subparagraph 2. shall maintain the exempt status of that
287 information only if the officer, employee, justice, judge, other
288 person, or employing agency of the designated employee submits a
289 written request for maintenance of the exemption to the
290 custodial agency.

22-00943-21

20211488__

291 4. An officer, an employee, a justice, a judge, or other
292 person specified in subparagraph 2. may submit a written request
293 for the release of his or her exempt information to the
294 custodial agency. The written request must be notarized and must
295 specify the information to be released and the party that is
296 authorized to receive the information. Upon receipt of the
297 written request, the custodial agency shall release the
298 specified information to the party authorized to receive such
299 information.

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

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

307 Section 2. Subsection (3) is added to section 119.10,
308 Florida Statutes, to read:

309 119.10 Violation of chapter; penalties.—

310 (3) Any person who knowingly and, with the intent to
311 intimidate, hinder, or interrupt current members of the Senate,
312 members of the House of Representatives, and Cabinet officers in
313 the legal performance of their duties, maliciously publishes or
314 disseminates information protected from disclosure by s.
315 119.071(1)(u) without the express authorization of such
316 legislators and officers shall be guilty of a misdemeanor of the
317 first degree, punishable as provided in s. 775.082 or s.
318 775.083.

319 Section 3. The Legislature finds that it is a public

22-00943-21

20211488__

320 necessity that the home addresses, telephone numbers, and dates
321 of birth of current members of the Senate and the House of
322 Representatives and Cabinet officers; the names, home addresses,
323 telephone numbers, dates of birth, and places of employment of
324 the spouses and children of such legislators and officers; and
325 the names and locations of schools and day care facilities
326 attended by the children of such legislators and officers be
327 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
328 Article I of the State Constitution. Members of the Legislature
329 and the Cabinet are often confronted with making difficult and
330 impactful policy decisions. As a result, legislators and Cabinet
331 officers and their family members may receive threats,
332 including, but not limited to, verbal threats, harassment, and
333 intimidation, as a result of carrying out their official duties.
334 Vulnerability to such threats may discourage residents of this
335 state from seeking elected office in order to protect themselves
336 and their families. Moreover, the Legislature finds that a
337 criminal penalty is necessary for any person who attempts to
338 interfere with the legislators' or officers' official duties.
339 The Legislature further finds that the harm that may result from
340 the release of such personal identifying and location
341 information outweighs any public benefit that may be derived
342 from the disclosure of the information.

343 Section 4. This act shall take effect July 1, 2021.