

By Senator Polsky

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A bill to be entitled
An act relating to public records; amending s.
119.071, F.S.; providing an exemption from public
records requirements for the personal identifying and
location information of sexual assault counselors;
providing for future legislative review and repeal of
the exemption; providing for retroactive application;
providing a statement of public necessity; providing
an effective date.

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

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

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

(4) AGENCY PERSONNEL INFORMATION.—

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

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

b. "Judicial assistant" means a court employee assigned to
the following class codes: 8140, 8150, 8310, and 8320.

c. "Telephone numbers" includes home telephone numbers,
personal cellular telephone numbers, personal pager telephone
numbers, and telephone numbers associated with personal

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communications devices.

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

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt

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from s. 119.07(1) and s. 24(a), Art. I of the State
Constitution.

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

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended

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by the children of current or former justices and judges and of current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

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

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

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care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home

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

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

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal

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175 conflict and civil regional counsel, and assistant criminal
176 conflict and civil regional counsel; and the names and locations
177 of schools and day care facilities attended by the children of
178 current or former public defenders, assistant public defenders,
179 criminal conflict and civil regional counsel, and assistant
180 criminal conflict and civil regional counsel are exempt from s.
181 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

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233 Constitution.

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

246 s. The home addresses, telephone numbers, dates of birth,
247 and photographs of current or former directors, managers,
248 supervisors, nurses, and clinical employees of an addiction
249 treatment facility; the home addresses, telephone numbers,
250 photographs, dates of birth, and places of employment of the
251 spouses and children of such personnel; and the names and
252 locations of schools and day care facilities attended by the
253 children of such personnel are exempt from s. 119.07(1) and s.
254 24(a), Art. I of the State Constitution. For purposes of this
255 sub-subparagraph, the term "addiction treatment facility" means
256 a county government, or agency thereof, that is licensed
257 pursuant to s. 397.401 and provides substance abuse prevention,
258 intervention, or clinical treatment, including any licensed
259 service component described in s. 397.311(27).

260 t. The home addresses, telephone numbers, dates of birth,
261 and photographs of current or former directors, managers,

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supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

v. The home addresses, telephone numbers, dates of birth, and photographs of current or former inspectors or investigators of the Department of Agriculture and Consumer Services; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or

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former inspectors or investigators; and the names and locations of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

w. The home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and the names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a county attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

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x. The home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners of the Florida Gaming Control Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of such current or former commissioners; and the names and locations of schools and day care facilities attended by the children of such current or former commissioners are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

y. The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; and the names and locations of schools and day care facilities attended by the children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

z.(I) As used in this sub-subparagraph, the term:

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(A) "Congressional member" means a person who is elected to serve as a member of the United States House of Representatives or is elected or appointed to serve as a member of the United States Senate.

(B) "Partial home address" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the partial home address, except for the city and zip code.

(C) "Public officer" means a person who holds one of the following offices: Governor, Lieutenant Governor, Chief Financial Officer, Attorney General, Agriculture Commissioner, state representative, state senator, property appraiser, supervisor of elections, school superintendent, school board member, mayor, city commissioner, or county commissioner.

(II) The following information is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(A) The partial home addresses of a current congressional member or public officer and his or her spouse or adult child.

(B) The telephone numbers of a current congressional member or public officer and his or her spouse or adult child.

(C) The name, home addresses, telephone numbers, and date of birth of a minor child of a current congressional member or public officer and the name and location of the school or day care facility attended by the minor child.

(III) This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and

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shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

aa. The home addresses, telephone numbers, dates of birth, and photographs of sexual assault counselors, as defined in s. 90.5035(1), are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

3.a. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

b. An agency that is the custodian of information specified in sub-subparagraph 2.z. and that is not the employer of the congressional member, public officer, or other person specified in sub-subparagraph 2.z. must maintain the exempt status of that information only if an individual requests the maintenance of an exemption pursuant to sub-subparagraph 2.z. on the basis of eligibility as a current congressional member or public officer and his or her spouse or child submits, as part of the written and notarized request required by sub-subparagraph a., the date

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of the congressional member's or public officer's election or appointment to public office, the date on which that office is next subject to election, and, if applicable, the date on which the current congressional member's or public officer's minor child reaches the age of majority. The custodian must maintain an exemption granted pursuant to sub-subparagraph 2.z. until the qualifying conditions for the exemption no longer apply to the person subject to the exemption.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

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436 5. An officer, an employee, a justice, a judge, or other
437 person specified in subparagraph 2. may submit a written request
438 for the release of his or her exempt information to the
439 custodial agency. The written request must be notarized and must
440 specify the information to be released and the party authorized
441 to receive the information. Upon receipt of the written request,
442 the custodial agency must release the specified information to
443 the party authorized to receive such information.

444 6. The exemptions in this paragraph apply to information
445 held by an agency before, on, or after the effective date of the
446 exemption.

447 7. Information made exempt under this paragraph may be
448 disclosed pursuant to s. 28.2221 to a title insurer authorized
449 pursuant to s. 624.401 and its affiliates as defined in s.
450 624.10; a title insurance agent or title insurance agency as
451 defined in s. 626.841(1) or (2), respectively; or an attorney
452 duly admitted to practice law in this state and in good standing
453 with The Florida Bar.

454 8. The exempt status of a home address contained in the
455 Official Records is maintained only during the period when a
456 protected party resides at the dwelling location. Upon
457 conveyance of real property after October 1, 2021, and when such
458 real property no longer constitutes a protected party's home
459 address as defined in sub-subparagraph 1.a., the protected party
460 must submit a written request to release the removed information
461 to the county recorder. The written request to release the
462 removed information must be notarized, must confirm that a
463 protected party's request for release is pursuant to a
464 conveyance of his or her dwelling location, and must specify the

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Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of sexual assault counselors, as defined in s. 90.5035(1), Florida Statutes, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Sexual assault counselors regularly support individuals who are victims of crime by offering emotional assistance, providing resources, and helping the victims navigate the legal process. Sexual assault counselors often work closely with law enforcement agencies, government organizations, and other entities to ensure that the victims' rights are upheld

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494 and the victims' needs are addressed. The personal identifying
495 and location information of sexual assault counselors is
496 frequently documented in police reports or other official
497 records that are provided to a defendant and his or her legal
498 counsel as part of the discovery process. Those documents are
499 subject to public records requests, making the sexual assault
500 counselors' personal identifying and location information
501 readily available. The release of this information has led to
502 sexual assault counselors becoming targets of harassment,
503 threats, and retaliation from individuals connected to the cases
504 on which the sexual assault counselors work. The Legislature
505 finds that the release of such personal identifying and location
506 information could place sexual assault counselors in danger of
507 being stalked or physically or emotionally harmed by a defendant
508 or other individual. Therefore, the Legislature finds that the
509 harm that may result from the release of such personal
510 identifying and location information outweighs any public
511 benefit that may be derived from the disclosure of the
512 information.

513 Section 3. This act shall take effect July 1, 2026.