

HB 419

2014

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
5 information of specific current and former personnel
6 of the Department of Health and the spouses and
7 children of such personnel; providing for future
8 legislative review and repeal of the exemption;
9 providing a statement of public necessity; providing
10 an effective date.

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

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

16 119.071 General exemptions from inspection or copying of
17 public records.—

18 (4) AGENCY PERSONNEL INFORMATION.—

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

24 2.a.(I) The home addresses, telephone numbers, social
25 security numbers, dates of birth, and photographs of active or
26 former sworn or civilian law enforcement personnel, including

27 | correctional and correctional probation officers, personnel of
28 | the Department of Children and Families whose duties include the
29 | investigation of abuse, neglect, exploitation, fraud, theft, or
30 | other criminal activities, personnel of the Department of Health
31 | whose duties are to support the investigation of child abuse or
32 | neglect, and personnel of the Department of Revenue or local
33 | governments whose responsibilities include revenue collection
34 | and enforcement or child support enforcement; the home
35 | addresses, telephone numbers, social security numbers,
36 | photographs, dates of birth, and places of employment of the
37 | spouses and children of such personnel; and the names and
38 | locations of schools and day care facilities attended by the
39 | children of such personnel are exempt from s. 119.07(1).

40 | (II) The names of the spouses and children of active or
41 | former sworn or civilian law enforcement personnel and the other
42 | specified agency personnel identified in sub-sub-subparagraph
43 | (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
44 | State Constitution.

45 | (III) Sub-sub-subparagraph (II) is subject to the Open
46 | Government Sunset Review Act in accordance with s. 119.15~~7~~ and
47 | shall stand repealed on October 2, 2018, unless reviewed and
48 | saved from repeal through reenactment by the Legislature.

49 | b. The home addresses, telephone numbers, dates of birth,
50 | and photographs of firefighters certified in compliance with s.
51 | 633.408; the home addresses, telephone numbers, photographs,
52 | dates of birth, and places of employment of the spouses and

53 children of such firefighters; and the names and locations of
54 schools and day care facilities attended by the children of such
55 firefighters are exempt from s. 119.07(1).

56 c. The home addresses, dates of birth, and telephone
57 numbers of current or former justices of the Supreme Court,
58 district court of appeal judges, circuit court judges, and
59 county court judges; the home addresses, telephone numbers,
60 dates of birth, and places of employment of the spouses and
61 children of current or former justices and judges; and the names
62 and locations of schools and day care facilities attended by the
63 children of current or former justices and judges are exempt
64 from s. 119.07(1).

65 d.(I) The home addresses, telephone numbers, social
66 security numbers, dates of birth, and photographs of current or
67 former state attorneys, assistant state attorneys, statewide
68 prosecutors, or assistant statewide prosecutors; the home
69 addresses, telephone numbers, social security numbers,
70 photographs, dates of birth, and places of employment of the
71 spouses and children of current or former state attorneys,
72 assistant state attorneys, statewide prosecutors, or assistant
73 statewide prosecutors; and the names and locations of schools
74 and day care facilities attended by the children of current or
75 former state attorneys, assistant state attorneys, statewide
76 prosecutors, or assistant statewide prosecutors are exempt from
77 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

78 (II) The names of the spouses and children of current or

79 former state attorneys, assistant state attorneys, statewide
80 prosecutors, or assistant statewide prosecutors are exempt from
81 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

82 (III) Sub-sub-subparagraph (II) is subject to the Open
83 Government Sunset Review Act in accordance with s. 119.15~~7~~ and
84 shall stand repealed on October 2, 2018, unless reviewed and
85 saved from repeal through reenactment by the Legislature.

86 e. The home addresses, dates of birth, and telephone
87 numbers of general magistrates, special magistrates, judges of
88 compensation claims, administrative law judges of the Division
89 of Administrative Hearings, and child support enforcement
90 hearing officers; the home addresses, telephone numbers, dates
91 of birth, and places of employment of the spouses and children
92 of general magistrates, special magistrates, judges of
93 compensation claims, administrative law judges of the Division
94 of Administrative Hearings, and child support enforcement
95 hearing officers; and the names and locations of schools and day
96 care facilities attended by the children of general magistrates,
97 special magistrates, judges of compensation claims,
98 administrative law judges of the Division of Administrative
99 Hearings, and child support enforcement hearing officers are
100 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
101 Constitution if the general magistrate, special magistrate,
102 judge of compensation claims, administrative law judge of the
103 Division of Administrative Hearings, or child support hearing
104 officer provides a written statement that the general

105 magistrate, special magistrate, judge of compensation claims,
106 administrative law judge of the Division of Administrative
107 Hearings, or child support hearing officer has made reasonable
108 efforts to protect such information from being accessible
109 through other means available to the public.

110 f. The home addresses, telephone numbers, dates of birth,
111 and photographs of current or former human resource, labor
112 relations, or employee relations directors, assistant directors,
113 managers, or assistant managers of any local government agency
114 or water management district whose duties include hiring and
115 firing employees, labor contract negotiation, administration, or
116 other personnel-related duties; the names, home addresses,
117 telephone numbers, dates of birth, and places of employment of
118 the spouses and children of such personnel; and the names and
119 locations of schools and day care facilities attended by the
120 children of such personnel are exempt from s. 119.07(1) and s.
121 24(a), Art. I of the State Constitution.

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

130 h. The home addresses, telephone numbers, places of

131 employment, dates of birth, and photographs of current or former
 132 guardians ad litem, as defined in s. 39.820; the names, home
 133 addresses, telephone numbers, dates of birth, and places of
 134 employment of the spouses and children of such persons; and the
 135 names and locations of schools and day care facilities attended
 136 by the children of such persons are exempt from s. 119.07(1) and
 137 s. 24(a), Art. I of the State Constitution, if the guardian ad
 138 litem provides a written statement that the guardian ad litem
 139 has made reasonable efforts to protect such information from
 140 being accessible through other means available to the public.

141 i. The home addresses, telephone numbers, dates of birth,
 142 and photographs of current or former juvenile probation
 143 officers, juvenile probation supervisors, detention
 144 superintendents, assistant detention superintendents, juvenile
 145 justice detention officers I and II, juvenile justice detention
 146 officer supervisors, juvenile justice residential officers,
 147 juvenile justice residential officer supervisors I and II,
 148 juvenile justice counselors, juvenile justice counselor
 149 supervisors, human services counselor administrators, senior
 150 human services counselor administrators, rehabilitation
 151 therapists, and social services counselors of the Department of
 152 Juvenile Justice; the names, home addresses, telephone numbers,
 153 dates of birth, and places of employment of spouses and children
 154 of such personnel; and the names and locations of schools and
 155 day care facilities attended by the children of such personnel
 156 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

157 Constitution.

158 j. The home addresses, telephone numbers, dates of birth,
159 and photographs of current or former public defenders, assistant
160 public defenders, criminal conflict and civil regional counsel,
161 and assistant criminal conflict and civil regional counsel; the
162 home addresses, telephone numbers, dates of birth, and places of
163 employment of the spouses and children of such defenders or
164 counsel; and the names and locations of schools and day care
165 facilities attended by the children of such defenders or counsel
166 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
167 Constitution.

168 k. The home addresses, telephone numbers, and photographs
169 of current or former investigators or inspectors of the
170 Department of Business and Professional Regulation; the names,
171 home addresses, telephone numbers, and places of employment of
172 the spouses and children of such current or former investigators
173 and inspectors; and the names and locations of schools and day
174 care facilities attended by the children of such current or
175 former investigators and inspectors are exempt from s. 119.07(1)
176 and s. 24(a), Art. I of the State Constitution if the
177 investigator or inspector has made reasonable efforts to protect
178 such information from being accessible through other means
179 available to the public. This sub-subparagraph is subject to the
180 Open Government Sunset Review Act in accordance with s. 119.15
181 and shall stand repealed on October 2, 2017, unless reviewed and
182 saved from repeal through reenactment by the Legislature.

183 1. The home addresses and telephone numbers of county tax
184 collectors; the names, home addresses, telephone numbers, and
185 places of employment of the spouses and children of such tax
186 collectors; and the names and locations of schools and day care
187 facilities attended by the children of such tax collectors are
188 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
189 Constitution if the county tax collector has made reasonable
190 efforts to protect such information from being accessible
191 through other means available to the public. This sub-
192 subparagraph is subject to the Open Government Sunset Review Act
193 in accordance with s. 119.15 and shall stand repealed on October
194 2, 2017, unless reviewed and saved from repeal through
195 reenactment by the Legislature.

196 m. The home addresses, telephone numbers, and photographs
197 of current or former personnel of the Department of Health whose
198 duties include the investigation and prosecution of complaints
199 filed against health care practitioners or the inspection of
200 practitioners or facilities licensed by the Department of
201 Health, or whose duties include a direct and active role in the
202 adjudication or management of eligibility for social security
203 disability benefits; the names, home addresses, telephone
204 numbers, and places of employment of the spouses and children of
205 such personnel; and the names and locations of schools and day
206 care facilities attended by the children of such personnel are
207 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
208 Constitution if the personnel have made reasonable efforts to

209 protect such information from being accessible through other
 210 means available to the public. This sub-subparagraph is subject
 211 to the Open Government Sunset Review Act in accordance with s.
 212 119.15 and shall stand repealed on October 2, 2019, unless
 213 reviewed and saved from repeal through reenactment by the
 214 Legislature.

215 3. An agency that is the custodian of the information
 216 specified in subparagraph 2. and that is not the employer of the
 217 officer, employee, justice, judge, or other person specified in
 218 subparagraph 2. shall maintain the exempt status of that
 219 information only if the officer, employee, justice, judge, other
 220 person, or employing agency of the designated employee submits a
 221 written request for maintenance of the exemption to the
 222 custodial agency.

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

226 5. Except as otherwise expressly provided in this
 227 paragraph, this paragraph is subject to the Open Government
 228 Sunset Review Act in accordance with s. 119.15~~7~~ and shall stand
 229 repealed on October 2, 2017, unless reviewed and saved from
 230 repeal through reenactment by the Legislature.

231 Section 2. The Legislature finds that it is a public
 232 necessity that the home addresses, telephone numbers, and
 233 photographs of current or former personnel of the Department of
 234 Health whose duties include the investigation and prosecution of

235 complaints filed against health care practitioners or the
236 inspection of practitioners or facilities licensed by the
237 Department of Health, or whose duties include a direct and
238 active role in the adjudication or management of eligibility for
239 social security disability benefits; the names, home addresses,
240 telephone numbers, and places of employment of the spouses and
241 children of such personnel; and the names and locations of
242 schools and day care facilities attended by the children of such
243 personnel be made exempt from public records requirements if the
244 personnel have made reasonable efforts to protect such
245 information from being accessible through other means available
246 to the public. The release of such identifying information might
247 place such current or former personnel of the Department of
248 Health and their family members in danger of physical and
249 emotional harm from disgruntled individuals who have contentious
250 reactions to actions carried out by personnel of the Department
251 of Health or whose business or professional practices have come
252 under the scrutiny of investigators and inspectors of the
253 Department of Health. The Legislature further finds that the
254 harm that may result from the release of such personal
255 identifying information outweighs any public benefit derived
256 from disclosure of the information.

257 Section 3. This act shall take effect upon becoming a law.