

HB 7009

2019

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.071, F.S., which
4 provides an exemption from public record requirements
5 for certain personal identifying and location
6 information of specified personnel of the Department
7 of Health, and the spouses and children thereof;
8 removing the scheduled repeal of the exemption;
9 providing an effective date.

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

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

15 119.071 General exemptions from inspection or copying of
16 public records.—

17 (4) AGENCY PERSONNEL INFORMATION.—

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

23 2.a. The home addresses, telephone numbers, dates of
24 birth, and photographs of active or former sworn or civilian law
25 enforcement personnel, including correctional and correctional

26 | probation officers, personnel of the Department of Children and
27 | Families whose duties include the investigation of abuse,
28 | neglect, exploitation, fraud, theft, or other criminal
29 | activities, personnel of the Department of Health whose duties
30 | are to support the investigation of child abuse or neglect, and
31 | personnel of the Department of Revenue or local governments
32 | whose responsibilities include revenue collection and
33 | enforcement or child support enforcement; the names, home
34 | addresses, telephone numbers, photographs, dates of birth, and
35 | places of employment of the spouses and children of such
36 | personnel; and the names and locations of schools and day care
37 | facilities attended by the children of such personnel are exempt
38 | from s. 119.07(1) and s. 24(a), Art. I of the State
39 | Constitution. This sub-subparagraph is subject to the Open
40 | Government Sunset Review Act in accordance with s. 119.15 and
41 | shall stand repealed on October 2, 2022, unless reviewed and
42 | saved from repeal through reenactment by the Legislature.

43 | b. The home addresses, telephone numbers, dates of birth,
44 | and photographs of current or former nonsworn investigative
45 | personnel of the Department of Financial Services whose duties
46 | include the investigation of fraud, theft, workers' compensation
47 | coverage requirements and compliance, other related criminal
48 | activities, or state regulatory requirement violations; the
49 | names, home addresses, telephone numbers, dates of birth, and
50 | places of employment of the spouses and children of such

51 personnel; and the names and locations of schools and day care
52 facilities attended by the children of such personnel are exempt
53 from s. 119.07(1) and s. 24(a), Art. I of the State
54 Constitution. This sub-subparagraph is subject to the Open
55 Government Sunset Review Act in accordance with s. 119.15 and
56 shall stand repealed on October 2, 2021, unless reviewed and
57 saved from repeal through reenactment by the Legislature.

58 c. The home addresses, telephone numbers, dates of birth,
59 and photographs of current or former nonsworn investigative
60 personnel of the Office of Financial Regulation's Bureau of
61 Financial Investigations whose duties include the investigation
62 of fraud, theft, other related criminal activities, or state
63 regulatory requirement violations; the names, home addresses,
64 telephone numbers, dates of birth, and places of employment of
65 the spouses and children of such personnel; and the names and
66 locations of schools and day care facilities attended by the
67 children of such personnel are exempt from s. 119.07(1) and s.
68 24(a), Art. I of the State Constitution. This sub-subparagraph
69 is subject to the Open Government Sunset Review Act in
70 accordance with s. 119.15 and shall stand repealed on October 2,
71 2022, unless reviewed and saved from repeal through reenactment
72 by the Legislature.

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

76 numbers, photographs, dates of birth, and places of employment
77 of the spouses and children of such firefighters; and the names
78 and locations of schools and day care facilities attended by the
79 children of such firefighters are exempt from s. 119.07(1) and
80 s. 24(a), Art. I of the State Constitution. This sub-
81 subparagraph is subject to the Open Government Sunset Review Act
82 in accordance with s. 119.15, and shall stand repealed on
83 October 2, 2022, unless reviewed and saved from repeal through
84 reenactment by the Legislature.

85 e. The home addresses, dates of birth, and telephone
86 numbers of current or former justices of the Supreme Court,
87 district court of appeal judges, circuit court judges, and
88 county court judges; the names, home addresses, telephone
89 numbers, dates of birth, and places of employment of the spouses
90 and children of current or former justices and judges; and the
91 names and locations of schools and day care facilities attended
92 by the children of current or former justices and judges are
93 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
94 Constitution. This sub-subparagraph is subject to the Open
95 Government Sunset Review Act in accordance with s. 119.15 and
96 shall stand repealed on October 2, 2022, unless reviewed and
97 saved from repeal through reenactment by the Legislature.

98 f. The home addresses, telephone numbers, dates of birth,
99 and photographs of current or former state attorneys, assistant
100 state attorneys, statewide prosecutors, or assistant statewide

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

110 g. The home addresses, dates of birth, and telephone
111 numbers of general magistrates, special magistrates, judges of
112 compensation claims, administrative law judges of the Division
113 of Administrative Hearings, and child support enforcement
114 hearing officers; the names, home addresses, telephone numbers,
115 dates of birth, and places of employment of the spouses and
116 children of general magistrates, special magistrates, judges of
117 compensation claims, administrative law judges of the Division
118 of Administrative Hearings, and child support enforcement
119 hearing officers; and the names and locations of schools and day
120 care facilities attended by the children of general magistrates,
121 special magistrates, judges of compensation claims,
122 administrative law judges of the Division of Administrative
123 Hearings, and child support enforcement hearing officers are
124 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
125 Constitution. This sub-subparagraph is subject to the Open

126 Government Sunset Review Act in accordance with s. 119.15 and
127 shall stand repealed on October 2, 2022, unless reviewed and
128 saved from repeal through reenactment by the Legislature.

129 h. The home addresses, telephone numbers, dates of birth,
130 and photographs of current or former human resource, labor
131 relations, or employee relations directors, assistant directors,
132 managers, or assistant managers of any local government agency
133 or water management district whose duties include hiring and
134 firing employees, labor contract negotiation, administration, or
135 other personnel-related duties; the names, home addresses,
136 telephone numbers, dates of birth, and places of employment of
137 the spouses and children of such personnel; and the names and
138 locations of schools and day care facilities attended by the
139 children of such personnel are exempt from s. 119.07(1) and s.
140 24(a), Art. I of the State Constitution.

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

149 j. The home addresses, telephone numbers, places of
150 employment, dates of birth, and photographs of current or former

151 guardians ad litem, as defined in s. 39.820; the names, home
152 addresses, telephone numbers, dates of birth, and places of
153 employment of the spouses and children of such persons; and the
154 names and locations of schools and day care facilities attended
155 by the children of such persons are exempt from s. 119.07(1) and
156 s. 24(a), Art. I of the State Constitution. This sub-
157 subparagraph is subject to the Open Government Sunset Review Act
158 in accordance with s. 119.15 and shall stand repealed on October
159 2, 2022, unless reviewed and saved from repeal through
160 reenactment by the Legislature.

161 k. The home addresses, telephone numbers, dates of birth,
162 and photographs of current or former juvenile probation
163 officers, juvenile probation supervisors, detention
164 superintendents, assistant detention superintendents, juvenile
165 justice detention officers I and II, juvenile justice detention
166 officer supervisors, juvenile justice residential officers,
167 juvenile justice residential officer supervisors I and II,
168 juvenile justice counselors, juvenile justice counselor
169 supervisors, human services counselor administrators, senior
170 human services counselor administrators, rehabilitation
171 therapists, and social services counselors of the Department of
172 Juvenile Justice; the names, home addresses, telephone numbers,
173 dates of birth, and places of employment of spouses and children
174 of such personnel; and the names and locations of schools and
175 day care facilities attended by the children of such personnel

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

178 1. The home addresses, telephone numbers, dates of birth,
179 and photographs of current or former public defenders, assistant
180 public defenders, criminal conflict and civil regional counsel,
181 and assistant criminal conflict and civil regional counsel; the
182 names, home addresses, telephone numbers, dates of birth, and
183 places of employment of the spouses and children of current or
184 former public defenders, assistant public defenders, criminal
185 conflict and civil regional counsel, and assistant criminal
186 conflict and civil regional counsel; and the names and locations
187 of schools and day care facilities attended by the children of
188 current or former public defenders, assistant public defenders,
189 criminal conflict and civil regional counsel, and assistant
190 criminal conflict and civil regional counsel are exempt from s.
191 119.07(1) and s. 24(a), Art. I of the State Constitution.

192 m. The home addresses, telephone numbers, dates of birth,
193 and photographs of current or former investigators or inspectors
194 of the Department of Business and Professional Regulation; the
195 names, home addresses, telephone numbers, dates of birth, and
196 places of employment of the spouses and children of such current
197 or former investigators and inspectors; and the names and
198 locations of schools and day care facilities attended by the
199 children of such current or former investigators and inspectors
200 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

201 Constitution. This sub-subparagraph is subject to the Open
202 Government Sunset Review Act in accordance with s. 119.15 and
203 shall stand repealed on October 2, 2022, unless reviewed and
204 saved from repeal through reenactment by the Legislature.

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

216 o. The home addresses, telephone numbers, dates of birth,
217 and photographs of current or former personnel of the Department
218 of Health whose duties include, or result in, the determination
219 or adjudication of eligibility for social security disability
220 benefits, the investigation or prosecution of complaints filed
221 against health care practitioners, or the inspection of health
222 care practitioners or health care facilities licensed by the
223 Department of Health; the names, home addresses, telephone
224 numbers, dates of birth, and places of employment of the spouses
225 and children of such personnel; and the names and locations of

226 schools and day care facilities attended by the children of such
227 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
228 the State Constitution. ~~This sub-subparagraph is subject to the~~
229 ~~Open Government Sunset Review Act in accordance with s. 119.15~~
230 ~~and shall stand repealed on October 2, 2019, unless reviewed and~~
231 ~~saved from repeal through reenactment by the Legislature.~~

232 p. The home addresses, telephone numbers, dates of birth,
233 and photographs of current or former impaired practitioner
234 consultants who are retained by an agency or current or former
235 employees of an impaired practitioner consultant whose duties
236 result in a determination of a person's skill and safety to
237 practice a licensed profession; the names, home addresses,
238 telephone numbers, dates of birth, and places of employment of
239 the spouses and children of such consultants or their employees;
240 and the names and locations of schools and day care facilities
241 attended by the children of such consultants or employees are
242 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
243 Constitution. This sub-subparagraph is subject to the Open
244 Government Sunset Review Act in accordance with s. 119.15 and
245 shall stand repealed on October 2, 2020, unless reviewed and
246 saved from repeal through reenactment by the Legislature.

247 q. The home addresses, telephone numbers, dates of birth,
248 and photographs of current or former emergency medical
249 technicians or paramedics certified under chapter 401; the
250 names, home addresses, telephone numbers, dates of birth, and

251 places of employment of the spouses and children of such
252 emergency medical technicians or paramedics; and the names and
253 locations of schools and day care facilities attended by the
254 children of such emergency medical technicians or paramedics are
255 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
256 Constitution. This sub-subparagraph is subject to the Open
257 Government Sunset Review Act in accordance with s. 119.15 and
258 shall stand repealed on October 2, 2021, unless reviewed and
259 saved from repeal through reenactment by the Legislature.

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

275 s. The home addresses, telephone numbers, dates of birth,

276 and photographs of current or former directors, managers,
277 supervisors, nurses, and clinical employees of an addiction
278 treatment facility; the home addresses, telephone numbers,
279 photographs, dates of birth, and places of employment of the
280 spouses and children of such personnel; and the names and
281 locations of schools and day care facilities attended by the
282 children of such personnel are exempt from s. 119.07(1) and s.
283 24(a), Art. I of the State Constitution. For purposes of this
284 sub-subparagraph, the term "addiction treatment facility" means
285 a county government, or agency thereof, that is licensed
286 pursuant to s. 397.401 and provides substance abuse prevention,
287 intervention, or clinical treatment, including any licensed
288 service component described in s. 397.311(26). This sub-
289 subparagraph is subject to the Open Government Sunset Review Act
290 in accordance with s. 119.15 and shall stand repealed on October
291 2, 2023, unless reviewed and saved from repeal through
292 reenactment by the Legislature.

293 t. The home addresses, telephone numbers, dates of birth,
294 and photographs of current or former directors, managers,
295 supervisors, and clinical employees of a child advocacy center
296 that meets the standards of s. 39.3035(1) and fulfills the
297 screening requirement of s. 39.3035(2), and the members of a
298 child protection team as described in s. 39.303 whose duties
299 include supporting the investigation of child abuse or sexual
300 abuse, child abandonment, child neglect, and child exploitation

301 or to provide services as part of a multidisciplinary case
302 review team; the names, home addresses, telephone numbers,
303 photographs, dates of birth, and places of employment of the
304 spouses and children of such personnel and members; and the
305 names and locations of schools and day care facilities attended
306 by the children of such personnel and members are exempt from s.
307 119.07(1) and s. 24(a), Art. I of the State Constitution. This
308 sub-subparagraph is subject to the Open Government Sunset Review
309 Act in accordance with s. 119.15 and shall stand repealed on
310 October 2, 2023, unless reviewed and saved from repeal through
311 reenactment by the Legislature.

312 3. An agency that is the custodian of the information
313 specified in subparagraph 2. and that is not the employer of the
314 officer, employee, justice, judge, or other person specified in
315 subparagraph 2. shall maintain the exempt status of that
316 information only if the officer, employee, justice, judge, other
317 person, or employing agency of the designated employee submits a
318 written request for maintenance of the exemption to the
319 custodial agency.

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

323 Section 2. This act shall take effect October 1, 2019.