

By the Committee on Governmental Oversight and Accountability;  
and Senator Hays

585-03562-12

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1                                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       119.071, F.S.; exempting from public record  
4       requirements identifying information relating to  
5       certain personnel of county tax collectors and their  
6       spouses and children; providing for future repeal and  
7       legislative review of the exemption under the Open  
8       Government Sunset Review Act; exempting from public  
9       record requirements identifying information relating  
10      to current and former investigators and inspectors of  
11      the Department of Business and Professional Regulation  
12      and their spouses and children; providing for future  
13      repeal and legislative review of the exemption under  
14      the Open Government Sunset Review Act; providing a  
15      statement of public necessity; providing an effective  
16      date.

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

19  
20           Section 1. Subsection (4) of section 119.071, Florida  
21   Statutes, is amended to read:

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

24           (4) AGENCY PERSONNEL INFORMATION.—

25           (a) The social security numbers of all current and former  
26   agency employees which numbers are held by the employing agency  
27   are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
28   I of the State Constitution. This paragraph is subject to the  
29   Open Government Sunset Review Act in accordance with s. 119.15

585-03562-12

2012906c1

30 and shall stand repealed on October 2, 2014, unless reviewed and  
31 saved from repeal through reenactment by the Legislature.

32 (b)1. Medical information pertaining to a prospective,  
33 current, or former officer or employee of an agency which, if  
34 disclosed, would identify that officer or employee is exempt  
35 from s. 119.07(1) and s. 24(a), Art. I of the State  
36 Constitution. However, such information may be disclosed if the  
37 person to whom the information pertains or the person's legal  
38 representative provides written permission or pursuant to court  
39 order.

40 2.a. Personal identifying information of a dependent child  
41 of a current or former officer or employee of an agency, which  
42 dependent child is insured by an agency group insurance plan, is  
43 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
44 Constitution. For purposes of this exemption, "dependent child"  
45 has the same meaning as in s. 409.2554.

46 b. This exemption is remedial in nature and applies to  
47 personal identifying information held by an agency before, on,  
48 or after the effective date of this exemption.

49 c. This subparagraph is subject to the Open Government  
50 Sunset Review Act in accordance with s. 119.15 and shall stand  
51 repealed on October 2, 2014, unless reviewed and saved from  
52 repeal through reenactment by the Legislature.

53 (c) Any information revealing undercover personnel of any  
54 criminal justice agency is exempt from s. 119.07(1) and s.  
55 24(a), Art. I of the State Constitution.

56 (d)1.a. The home addresses, telephone numbers, social security  
57 numbers, and photographs of active or former law enforcement  
58 personnel, including correctional and correctional probation

585-03562-12

2012906c1

59 officers, personnel of the Department of Children and Family  
60 Services whose duties include the investigation of abuse,  
61 neglect, exploitation, fraud, theft, or other criminal  
62 activities, personnel of the Department of Health whose duties  
63 are to support the investigation of child abuse or neglect, and  
64 personnel of the Department of Revenue, county tax collectors,  
65 or local governments whose responsibilities include revenue  
66 collection and enforcement or child support enforcement; the  
67 home addresses, telephone numbers, social security numbers,  
68 photographs, and places of employment of the spouses and  
69 children of such personnel; and the names and locations of  
70 schools and day care facilities attended by the children of such  
71 personnel are exempt from s. 119.07(1). This sub-subparagraph is  
72 subject to the Open Government Sunset Review Act in accordance  
73 with s. 119.15 and shall stand repealed on October 2, 2017,  
74 unless reviewed and saved from repeal through reenactment by the  
75 Legislature.

76 b. The home addresses, telephone numbers, and photographs  
77 of firefighters certified in compliance with s. 633.35; the home  
78 addresses, telephone numbers, photographs, and places of  
79 employment of the spouses and children of such firefighters; and  
80 the names and locations of schools and day care facilities  
81 attended by the children of such firefighters are exempt from s.  
82 119.07(1).

83 c. The home addresses and telephone numbers of justices of  
84 the Supreme Court, district court of appeal judges, circuit  
85 court judges, and county court judges; the home addresses,  
86 telephone numbers, and places of employment of the spouses and  
87 children of justices and judges; and the names and locations of

585-03562-12

2012906c1

88 schools and day care facilities attended by the children of  
89 justices and judges are exempt from s. 119.07(1).

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

103 e. The home addresses and telephone numbers of general  
104 magistrates, special magistrates, judges of compensation claims,  
105 administrative law judges of the Division of Administrative  
106 Hearings, and child support enforcement hearing officers; the  
107 home addresses, telephone numbers, and places of employment of  
108 the spouses and children of general magistrates, special  
109 magistrates, judges of compensation claims, administrative law  
110 judges of the Division of Administrative Hearings, and child  
111 support enforcement hearing officers; and the names and  
112 locations of schools and day care facilities attended by the  
113 children of general magistrates, special magistrates, judges of  
114 compensation claims, administrative law judges of the Division  
115 of Administrative Hearings, and child support enforcement  
116 hearing officers are exempt from s. 119.07(1) and s. 24(a), Art.

585-03562-12

2012906c1

117 I of the State Constitution if the general magistrate, special  
118 magistrate, judge of compensation claims, administrative law  
119 judge of the Division of Administrative Hearings, or child  
120 support hearing officer provides a written statement that the  
121 general magistrate, special magistrate, judge of compensation  
122 claims, administrative law judge of the Division of  
123 Administrative Hearings, or child support hearing officer has  
124 made reasonable efforts to protect such information from being  
125 accessible through other means available to the public. This  
126 sub-subparagraph is subject to the Open Government Sunset Review  
127 Act in accordance with s. 119.15, and shall stand repealed on  
128 October 2, 2013, unless reviewed and saved from repeal through  
129 reenactment by the Legislature.

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

142 g. The home addresses, telephone numbers, and photographs  
143 of current or former code enforcement officers; the names, home  
144 addresses, telephone numbers, and places of employment of the  
145 spouses and children of such personnel; and the names and

585-03562-12

2012906c1

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

149 h. The home addresses, telephone numbers, places of  
150 employment, and photographs of current or former guardians ad  
151 litem, as defined in s. 39.820; the names, home addresses,  
152 telephone numbers, and places of employment of the spouses and  
153 children of such persons; and the names and locations of schools  
154 and day care facilities attended by the children of such persons  
155 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
156 Constitution, if the guardian ad litem provides a written  
157 statement that the guardian ad litem has made reasonable efforts  
158 to protect such information from being accessible through other  
159 means available to the public. This sub-subparagraph is subject  
160 to the Open Government Sunset Review Act in accordance with s.  
161 119.15 and shall stand repealed on October 2, 2015, unless  
162 reviewed and saved from repeal through reenactment by the  
163 Legislature.

164 i. The home addresses, telephone numbers, and photographs  
165 of current or former juvenile probation officers, juvenile  
166 probation supervisors, detention superintendents, assistant  
167 detention superintendents, juvenile justice detention officers I  
168 and II, juvenile justice detention officer supervisors, juvenile  
169 justice residential officers, juvenile justice residential  
170 officer supervisors I and II, juvenile justice counselors,  
171 juvenile justice counselor supervisors, human services counselor  
172 administrators, senior human services counselor administrators,  
173 rehabilitation therapists, and social services counselors of the  
174 Department of Juvenile Justice; the names, home addresses,

585-03562-12

2012906c1

175 telephone numbers, and places of employment of spouses and  
176 children of such personnel; and the names and locations of  
177 schools and day care facilities attended by the children of such  
178 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
179 the State Constitution.

180 j. The home addresses, telephone numbers, and photographs  
181 of current or former public defenders, assistant public  
182 defenders, criminal conflict and civil regional counsel, and  
183 assistant criminal conflict and civil regional counsel; the home  
184 addresses, telephone numbers, and places of employment of the  
185 spouses and children of such defenders or counsel; and the names  
186 and locations of schools and day care facilities attended by the  
187 children of such defenders or counsel are exempt from s.  
188 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
189 sub-subparagraph is subject to the Open Government Sunset Review  
190 Act in accordance with s. 119.15 and shall stand repealed on  
191 October 2, 2015, unless reviewed and saved from repeal through  
192 reenactment by the Legislature.

193 k. The home addresses, telephone numbers, and photographs  
194 of current or former investigators or inspectors of the  
195 Department of Business and Professional Regulation; the names,  
196 home addresses, telephone numbers, and places of employment of  
197 the spouses and children of such current or former investigators  
198 and inspectors; and the names and locations of schools and day  
199 care facilities attended by the children of such current or  
200 former investigators and inspectors are exempt from s. 119.07(1)  
201 and s. 24(a), Art. I of the State Constitution if the  
202 investigator or inspector has made reasonable efforts to protect  
203 such information from being accessible through other means

585-03562-12

2012906c1

204 available to the public. This sub-subparagraph is subject to the  
205 Open Government Sunset Review Act in accordance with s. 119.15  
206 and shall stand repealed on October 2, 2017, unless reviewed and  
207 saved from repeal through reenactment by the Legislature.

208       2. An agency that is the custodian of the information  
209 specified in subparagraph 1. and that is not the employer of the  
210 officer, employee, justice, judge, or other person specified in  
211 subparagraph 1. shall maintain the exempt status of that  
212 information only if the officer, employee, justice, judge, other  
213 person, or employing agency of the designated employee submits a  
214 written request for maintenance of the exemption to the  
215 custodial agency.

216       Section 2. The Legislature finds that it is a public  
217 necessity that the home addresses, telephone numbers, and  
218 photographs of personnel of county tax collectors whose  
219 responsibilities include revenue collection and enforcement or  
220 child support enforcement, the names, home addresses, telephone  
221 numbers, and places of employment of the spouses and children of  
222 such personnel, and the names and locations of schools and day  
223 care facilities attended by the children of such personnel be  
224 made exempt from public records requirements. It is also the  
225 finding of the Legislature that it is a public necessity that  
226 the home addresses, telephone numbers, and photographs of  
227 current and former investigators and inspectors of the  
228 Department of Business and Professional Regulation, the names,  
229 home addresses, telephone numbers, and places of employment of  
230 the spouses and children of such current or former investigators  
231 and inspectors, and the names and locations of schools and day  
232 care facilities attended by the children of such current or

585-03562-12

2012906c1

233 former investigators and inspectors be made exempt from public  
234 records requirements. The Legislature finds that the release of  
235 such identifying and location information might place personnel  
236 of county tax collectors and investigators and inspectors of the  
237 Department of Business and Professional Regulation and their  
238 family members in danger of physical and emotional harm from  
239 disgruntled individuals who have contentious reactions to  
240 revenue collection or enforcement actions or child support  
241 enforcement actions of a county tax collector, or whose business  
242 or professional practices have come under the scrutiny of  
243 investigators and inspectors of the Department of Business and  
244 Professional Regulation. The Legislature further finds that the  
245 harm that may result from the release of such personal  
246 identifying and location information outweighs any public  
247 benefit that may be derived from the disclosure of the  
248 information.

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