

By Senator Hays

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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, under specified
8 circumstances; providing for future legislative review
9 and repeal of the exemption under the Open Government
10 Sunset Review Act; providing a statement of public
11 necessity; providing an effective date.

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

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15 Section 1. Paragraph (d) of subsection (4) of section
16 119.071, Florida Statutes, is amended to read:

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

19 (4) AGENCY PERSONNEL INFORMATION.—

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

25 2.a. The home addresses, telephone numbers, social security
26 numbers, dates of birth, and photographs of active or former
27 sworn or civilian law enforcement personnel, including
28 correctional and correctional probation officers, personnel of
29 the Department of Children and Families ~~Family Services~~ whose

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

42 b. The home addresses, telephone numbers, dates of birth,
43 and photographs of firefighters certified in compliance with s.
44 633.35; the home addresses, telephone numbers, photographs,
45 dates of birth, and places of employment of the spouses and
46 children of such firefighters; and the names and locations of
47 schools and day care facilities attended by the children of such
48 firefighters are exempt from s. 119.07(1).

49 c. The home addresses, dates of birth, and telephone
50 numbers of current or former justices of the Supreme Court,
51 district court of appeal judges, circuit court judges, and
52 county court judges; the home addresses, telephone numbers,
53 dates of birth, and places of employment of the spouses and
54 children of current or former justices and judges; and the names
55 and locations of schools and day care facilities attended by the
56 children of current or former justices and judges are exempt
57 from s. 119.07(1).

58 d. The home addresses, telephone numbers, social security

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59 numbers, dates of birth, and photographs of current or former
60 state attorneys, assistant state attorneys, statewide
61 prosecutors, or assistant statewide prosecutors; the home
62 addresses, telephone numbers, social security numbers,
63 photographs, dates of birth, and places of employment of the
64 spouses and children of current or former state attorneys,
65 assistant state attorneys, statewide prosecutors, or assistant
66 statewide prosecutors; and the names and locations of schools
67 and day care facilities attended by the children of current or
68 former state attorneys, assistant state attorneys, statewide
69 prosecutors, or assistant statewide prosecutors are exempt from
70 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

71 e. The home addresses, dates of birth, and telephone
72 numbers of general magistrates, special magistrates, judges of
73 compensation claims, administrative law judges of the Division
74 of Administrative Hearings, and child support enforcement
75 hearing officers; the home addresses, telephone numbers, dates
76 of birth, and places of employment of the spouses and children
77 of general magistrates, special magistrates, judges of
78 compensation claims, administrative law judges of the Division
79 of Administrative Hearings, and child support enforcement
80 hearing officers; and the names and locations of schools and day
81 care facilities attended by the children of general magistrates,
82 special magistrates, judges of compensation claims,
83 administrative law judges of the Division of Administrative
84 Hearings, and child support enforcement hearing officers are
85 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
86 Constitution if the general magistrate, special magistrate,
87 judge of compensation claims, administrative law judge of the

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88 Division of Administrative Hearings, or child support hearing
89 officer provides a written statement that the general
90 magistrate, special magistrate, judge of compensation claims,
91 administrative law judge of the Division of Administrative
92 Hearings, or child support hearing officer has made reasonable
93 efforts to protect such information from being accessible
94 through other means available to the public.

95 f. The home addresses, telephone numbers, dates of birth,
96 and photographs of current or former human resource, labor
97 relations, or employee relations directors, assistant directors,
98 managers, or assistant managers of any local government agency
99 or water management district whose duties include hiring and
100 firing employees, labor contract negotiation, administration, or
101 other personnel-related duties; the names, home addresses,
102 telephone numbers, dates of birth, and places of employment of
103 the spouses and children of such personnel; and the names and
104 locations of schools and day care facilities attended by the
105 children of such personnel are exempt from s. 119.07(1) and s.
106 24(a), Art. I of the State Constitution.

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

115 h. The home addresses, telephone numbers, places of
116 employment, dates of birth, and photographs of current or former

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117 guardians ad litem, as defined in s. 39.820; the names, home
118 addresses, telephone numbers, dates of birth, and places of
119 employment of the spouses and children of such persons; and the
120 names and locations of schools and day care facilities attended
121 by the children of such persons are exempt from s. 119.07(1) and
122 s. 24(a), Art. I of the State Constitution, if the guardian ad
123 litem provides a written statement that the guardian ad litem
124 has made reasonable efforts to protect such information from
125 being accessible through other means available to the public.

126 i. The home addresses, telephone numbers, dates of birth,
127 and photographs of current or former juvenile probation
128 officers, juvenile probation supervisors, detention
129 superintendents, assistant detention superintendents, juvenile
130 justice detention officers I and II, juvenile justice detention
131 officer supervisors, juvenile justice residential officers,
132 juvenile justice residential officer supervisors I and II,
133 juvenile justice counselors, juvenile justice counselor
134 supervisors, human services counselor administrators, senior
135 human services counselor administrators, rehabilitation
136 therapists, and social services counselors of the Department of
137 Juvenile Justice; the names, home addresses, telephone numbers,
138 dates of birth, and places of employment of spouses and children
139 of such personnel; and the names and locations of schools and
140 day care facilities attended by the children of such personnel
141 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
142 Constitution.

143 j. The home addresses, telephone numbers, dates of birth,
144 and photographs of current or former public defenders, assistant
145 public defenders, criminal conflict and civil regional counsel,

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146 and assistant criminal conflict and civil regional counsel; the
147 home addresses, telephone numbers, dates of birth, and places of
148 employment of the spouses and children of such defenders or
149 counsel; and the names and locations of schools and day care
150 facilities attended by the children of such defenders or counsel
151 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
152 Constitution.

153 k. The home addresses, telephone numbers, and photographs
154 of current or former investigators or inspectors of the
155 Department of Business and Professional Regulation; the names,
156 home addresses, telephone numbers, and places of employment of
157 the spouses and children of such current or former investigators
158 and inspectors; and the names and locations of schools and day
159 care facilities attended by the children of such current or
160 former investigators and inspectors are exempt from s. 119.07(1)
161 and s. 24(a), Art. I of the State Constitution if the
162 investigator or inspector has made reasonable efforts to protect
163 such information from being accessible through other means
164 available to the public. This sub-subparagraph is subject to the
165 Open Government Sunset Review Act in accordance with s. 119.15
166 and shall stand repealed on October 2, 2017, unless reviewed and
167 saved from repeal through reenactment by the Legislature.

168 l. The home addresses and telephone numbers of county tax
169 collectors; the names, home addresses, telephone numbers, and
170 places of employment of the spouses and children of such tax
171 collectors; and the names and locations of schools and day care
172 facilities attended by the children of such tax collectors are
173 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
174 Constitution if the county tax collector has made reasonable

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175 efforts to protect such information from being accessible
176 through other means available to the public. This sub-
177 subparagraph is subject to the Open Government Sunset Review Act
178 in accordance with s. 119.15 and shall stand repealed on October
179 2, 2017, unless reviewed and saved from repeal through
180 reenactment by the Legislature.

181 m. The home addresses, telephone numbers, and photographs
182 of current or former personnel of the Department of Health whose
183 duties include or support the investigation and prosecution of
184 complaints filed against health care practitioners or the
185 inspection of practitioners or facilities licensed by the
186 Department of Health; the names, home addresses, telephone
187 numbers, and places of employment of the spouses and children of
188 such personnel; and the names and locations of schools and day
189 care facilities attended by the children of such personnel are
190 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
191 Constitution if the personnel have made reasonable efforts to
192 protect such information from being accessible through other
193 means available to the public.

194 3. An agency that is the custodian of the information
195 specified in subparagraph 2. and that is not the employer of the
196 officer, employee, justice, judge, or other person specified in
197 subparagraph 2. shall maintain the exempt status of that
198 information only if the officer, employee, justice, judge, other
199 person, or employing agency of the designated employee submits a
200 written request for maintenance of the exemption to the
201 custodial agency.

202 4. The exemptions in this paragraph apply to information
203 held by an agency before, on, or after the effective date of the

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204 exemption.

205 5.a. Sub-subparagraphs 2.a.-1. are ~~This paragraph is~~
206 subject to the Open Government Sunset Review Act in accordance
207 with s. 119.15, and shall stand repealed on October 2, 2017,
208 unless reviewed and saved from repeal through reenactment by the
209 Legislature.

210 b. Sub-subparagraph 2.m. is subject to the Open Government
211 Sunset Review Act in accordance with s. 119.15, and shall stand
212 repealed on October 2, 2018, unless reviewed and saved from
213 repeal through reenactment by the Legislature.

214 Section 2. The Legislature finds that it is a public
215 necessity that the home addresses, telephone numbers, and
216 photographs of current or former personnel of the Department of
217 Health whose duties include or support the investigation and
218 prosecution of complaints filed against health care
219 practitioners or the inspection of practitioners or facilities
220 licensed by the Department of Health; that the names, home
221 addresses, telephone numbers, and places of employment of the
222 spouses and children of such personnel; and that the names and
223 locations of schools and day care facilities attended by the
224 children of such personnel be made exempt from public record
225 requirements. The Legislature finds that the release of such
226 identifying and location information might place current or
227 former personnel of the Department of Health whose duties
228 include or support the investigation and prosecution of
229 complaints filed against health care practitioners or the
230 inspection of practitioners or facilities licensed by the
231 Department of Health and their family members in danger of
232 physical and emotional harm from disgruntled individuals who

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233 have contentious reactions to actions carried out by personnel
234 of the Department of Health, or whose business or professional
235 practices have come under the scrutiny of investigators and
236 inspectors of the Department of Health. The Legislature further
237 finds that the harm that may result from the release of such
238 personal identifying and location information outweighs any
239 public benefit that may be derived from the disclosure of the
240 information.

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