

By Senator Latvala

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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 exemptions from public
4 records requirements for certain information related
5 to active or former sworn or civilian law enforcement
6 personnel and specified agency personnel, current and
7 former state attorneys, assistant state attorneys,
8 statewide prosecutors, and assistant statewide
9 prosecutors, and their parents, siblings, or
10 cohabitants; providing for future legislative review
11 and repeal of the exemptions; providing a statement of
12 public necessity; providing an effective date.

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

15
16 Section 1. Paragraph (d) of subsection (4) of section
17 119.071, Florida Statutes, is amended to read:

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

20 (4) AGENCY PERSONNEL INFORMATION.—

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

26 2.a.(I) The home addresses, telephone numbers, social
27 security numbers, dates of birth, and photographs of active or
28 former sworn or civilian law enforcement personnel, including
29 correctional and correctional probation officers, personnel of

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

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

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

51 (IV) Residential addresses, including former residences and
52 residences in which the person frequently resides other than the
53 person's home address, e-mail addresses, driver license numbers,
54 license plate numbers, banking and financial information, and
55 information identifying former places of employment of active or
56 former sworn or civilian law enforcement personnel and the other
57 specified agency personnel identified in sub-sub-subparagraph
58 (I) and the home addresses, telephone numbers, social security

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59 numbers, photographs, dates of birth, and places of employment
60 of the parents, siblings, and cohabitants of active or former
61 sworn or civilian law enforcement personnel and the other
62 specified agency personnel identified in sub-sub-subparagraph
63 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
64 State Constitution. This sub-sub-subparagraph is subject to the
65 Open Government Sunset Review Act in accordance with s. 119.15
66 and shall stand repealed on October 2, 2020, unless reviewed and
67 saved from repeal through reenactment by the Legislature.

68 b. The home addresses, telephone numbers, dates of birth,
69 and photographs of firefighters certified in compliance with s.
70 633.408; the home addresses, telephone numbers, photographs,
71 dates of birth, and places of employment of the spouses and
72 children of such firefighters; and the names and locations of
73 schools and day care facilities attended by the children of such
74 firefighters are exempt from s. 119.07(1).

75 c. The home addresses, dates of birth, and telephone
76 numbers of current or former justices of the Supreme Court,
77 district court of appeal judges, circuit court judges, and
78 county court judges; the home addresses, telephone numbers,
79 dates of birth, and places of employment of the spouses and
80 children of current or former justices and judges; and the names
81 and locations of schools and day care facilities attended by the
82 children of current or former justices and judges are exempt
83 from s. 119.07(1).

84 d.(I) The home addresses, telephone numbers, social
85 security numbers, dates of birth, and photographs of current or
86 former state attorneys, assistant state attorneys, statewide
87 prosecutors, or assistant statewide prosecutors; the home

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

97 (II) The names of the spouses and children of current or
98 former state attorneys, assistant state attorneys, statewide
99 prosecutors, or assistant statewide prosecutors are exempt from
100 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

105 (IV) Residential addresses, including former residences and
106 residences in which the person frequently resides other than the
107 person's home address, e-mail addresses, driver license numbers,
108 license plate numbers, banking and financial information, and
109 information identifying former places of employment of current
110 or former state attorneys, assistant state attorneys, statewide
111 prosecutors, or assistant statewide prosecutors and the home
112 addresses, telephone numbers, social security numbers,
113 photographs, dates of birth, and places of employment of the
114 parents, siblings, and cohabitants of current or former state
115 attorneys, assistant state attorneys, statewide prosecutors, or
116 assistant statewide prosecutors are exempt from s. 119.07(1) and

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117 s. 24(a), Art. I of the State Constitution. This sub-sub-
118 subparagraph is subject to the Open Government Sunset Review Act
119 in accordance with s. 119.15 and shall stand repealed on October
120 2, 2020, unless reviewed and saved from repeal through
121 reenactment by the Legislature.

122 e. The home addresses, dates of birth, and telephone
123 numbers of general magistrates, special magistrates, judges of
124 compensation claims, administrative law judges of the Division
125 of Administrative Hearings, and child support enforcement
126 hearing officers; the home addresses, telephone numbers, dates
127 of birth, and places of employment of the spouses and children
128 of general magistrates, special magistrates, judges of
129 compensation claims, administrative law judges of the Division
130 of Administrative Hearings, and child support enforcement
131 hearing officers; and the names and locations of schools and day
132 care facilities attended by the children of general magistrates,
133 special magistrates, judges of compensation claims,
134 administrative law judges of the Division of Administrative
135 Hearings, and child support enforcement hearing officers are
136 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
137 Constitution if the general magistrate, special magistrate,
138 judge of compensation claims, administrative law judge of the
139 Division of Administrative Hearings, or child support hearing
140 officer provides a written statement that the general
141 magistrate, special magistrate, judge of compensation claims,
142 administrative law judge of the Division of Administrative
143 Hearings, or child support hearing officer has made reasonable
144 efforts to protect such information from being accessible
145 through other means available to the public.

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146 f. The home addresses, telephone numbers, dates of birth,
147 and photographs of current or former human resource, labor
148 relations, or employee relations directors, assistant directors,
149 managers, or assistant managers of any local government agency
150 or water management district whose duties include hiring and
151 firing employees, labor contract negotiation, administration, or
152 other personnel-related duties; the names, home addresses,
153 telephone numbers, dates of birth, and places of employment of
154 the spouses and children of such personnel; and the names and
155 locations of schools and day care facilities attended by the
156 children of such personnel are exempt from s. 119.07(1) and s.
157 24(a), Art. I of the State Constitution.

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

166 h. The home addresses, telephone numbers, places of
167 employment, dates of birth, and photographs of current or former
168 guardians ad litem, as defined in s. 39.820; the names, home
169 addresses, telephone numbers, dates of birth, and places of
170 employment of the spouses and children of such persons; and the
171 names and locations of schools and day care facilities attended
172 by the children of such persons are exempt from s. 119.07(1) and
173 s. 24(a), Art. I of the State Constitution, if the guardian ad
174 litem provides a written statement that the guardian ad litem

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175 has made reasonable efforts to protect such information from
176 being accessible through other means available to the public.

177 i. The home addresses, telephone numbers, dates of birth,
178 and photographs of current or former juvenile probation
179 officers, juvenile probation supervisors, detention
180 superintendents, assistant detention superintendents, juvenile
181 justice detention officers I and II, juvenile justice detention
182 officer supervisors, juvenile justice residential officers,
183 juvenile justice residential officer supervisors I and II,
184 juvenile justice counselors, juvenile justice counselor
185 supervisors, human services counselor administrators, senior
186 human services counselor administrators, rehabilitation
187 therapists, and social services counselors of the Department of
188 Juvenile Justice; the names, home addresses, telephone numbers,
189 dates of birth, and places of employment of spouses and children
190 of such personnel; and the names and locations of schools and
191 day care facilities attended by the children of such personnel
192 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
193 Constitution.

194 j.(I) The home addresses, telephone numbers, dates of
195 birth, and photographs of current or former public defenders,
196 assistant public defenders, criminal conflict and civil regional
197 counsel, and assistant criminal conflict and civil regional
198 counsel; the home addresses, telephone numbers, dates of birth,
199 and places of employment of the spouses and children of such
200 defenders or counsel; and the names and locations of schools and
201 day care facilities attended by the children of such defenders
202 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
203 the State Constitution.

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204 (II) The names of the spouses and children of the specified
205 agency personnel identified in sub-sub-subparagraph (I) are
206 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
207 Constitution. This sub-sub-subparagraph is subject to the Open
208 Government Sunset Review Act in accordance with s. 119.15 and
209 shall stand repealed on October 2, 2019, unless reviewed and
210 saved from repeal through reenactment by the Legislature.

211 k. The home addresses, telephone numbers, and photographs
212 of current or former investigators or inspectors of the
213 Department of Business and Professional Regulation; the names,
214 home addresses, telephone numbers, and places of employment of
215 the spouses and children of such current or former investigators
216 and inspectors; and the names and locations of schools and day
217 care facilities attended by the children of such current or
218 former investigators and inspectors are exempt from s. 119.07(1)
219 and s. 24(a), Art. I of the State Constitution if the
220 investigator or inspector has made reasonable efforts to protect
221 such information from being accessible through other means
222 available to the public. This sub-subparagraph is subject to the
223 Open Government Sunset Review Act in accordance with s. 119.15
224 and shall stand repealed on October 2, 2017, unless reviewed and
225 saved from repeal through reenactment by the Legislature.

226 1. The home addresses and telephone numbers of county tax
227 collectors; the names, home addresses, telephone numbers, and
228 places of employment of the spouses and children of such tax
229 collectors; and the names and locations of schools and day care
230 facilities attended by the children of such tax collectors are
231 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
232 Constitution if the county tax collector has made reasonable

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233 efforts to protect such information from being accessible
234 through other means available to the public. This sub-
235 subparagraph is subject to the Open Government Sunset Review Act
236 in accordance with s. 119.15 and shall stand repealed on October
237 2, 2017, unless reviewed and saved from repeal through
238 reenactment by the Legislature.

239 m. The home addresses, telephone numbers, dates of birth,
240 and photographs of current or former personnel of the Department
241 of Health whose duties include, or result in, the determination
242 or adjudication of eligibility for social security disability
243 benefits, the investigation or prosecution of complaints filed
244 against health care practitioners, or the inspection of health
245 care practitioners or health care facilities licensed by the
246 Department of Health; the names, home addresses, telephone
247 numbers, dates of birth, and places of employment of the spouses
248 and children of such personnel; and the names and locations of
249 schools and day care facilities attended by the children of such
250 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
251 the State Constitution if the personnel have made reasonable
252 efforts to protect such information from being accessible
253 through other means available to the public. This sub-
254 subparagraph is subject to the Open Government Sunset Review Act
255 in accordance with s. 119.15 and shall stand repealed on October
256 2, 2019, unless reviewed and saved from repeal through
257 reenactment by the Legislature.

258 3. An agency that is the custodian of the information
259 specified in subparagraph 2. and that is not the employer of the
260 officer, employee, justice, judge, or other person specified in
261 subparagraph 2. shall maintain the exempt status of that

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262 information only if the officer, employee, justice, judge, other
263 person, or employing agency of the designated employee submits a
264 written request for maintenance of the exemption to the
265 custodial agency.

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

269 5. Except as otherwise expressly provided in this
270 paragraph, this paragraph is subject to the Open Government
271 Sunset Review Act in accordance with s. 119.15, and shall stand
272 repealed on October 2, 2017, unless reviewed and saved from
273 repeal through reenactment by the Legislature.

274 Section 2. The Legislature finds that it is a public
275 necessity that the residential addresses, e-mail addresses,
276 driver license numbers, license plate numbers, banking and
277 financial information, and former places of employment of active
278 or former sworn or civilian law enforcement personnel, including
279 correctional and correctional probation officers, personnel of
280 the Department of Children and Families whose duties include the
281 investigation of abuse, neglect, exploitation, fraud, theft, or
282 other criminal activities, personnel of the Department of Health
283 whose duties are to support the investigation of child abuse or
284 neglect, personnel of the Department of Revenue or local
285 governments whose responsibilities include revenue collection
286 and enforcement or child support enforcement, current or former
287 state attorneys, assistant state attorneys, statewide
288 prosecutors, and assistant statewide prosecutors be made exempt
289 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
290 the State Constitution. The Legislature further finds that it is

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291 a public necessity that the home addresses, telephone numbers,
292 social security numbers, photographs, dates of birth, and places
293 of employment of the parents, siblings, and cohabitants of such
294 persons be made exempt from s. 119.07(1), Florida Statutes, and
295 s. 24(a), Article I of the State Constitution. The Legislature
296 finds that the release of such identifying and location
297 information could place the person, or a parent, sibling, or
298 cohabitant of the person, in danger of being physically and
299 emotionally harmed or being stalked by a defendant or other
300 person. The Legislature finds that the harm that may result from
301 the release of such identifying and location information
302 outweighs any public benefit that may be derived from the
303 disclosure of the information.

304 Section 3. This act shall take effect July 1, 2015.