

By the Committee on Criminal Justice; and 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, assistant statewide
9 prosecutors, public defenders, assistant public
10 defenders, criminal conflict and civil regional
11 counsel, assistant criminal conflict and civil
12 regional counsel, capital collateral regional counsel,
13 and assistant capital collateral regional counsel and
14 their parents, siblings, or cohabitants; providing for
15 future legislative review and repeal of the
16 exemptions; providing a statement of public necessity;
17 providing an effective date.

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

20
21 Section 1. Paragraph (d) of subsection (4) of section
22 119.071, Florida Statutes, is amended to read:

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

25 (4) AGENCY PERSONNEL INFORMATION.—

26 (d)1. For purposes of this paragraph, the term "telephone
27 numbers" includes home telephone numbers, personal cellular
28 telephone numbers, personal pager telephone numbers, and
29 telephone numbers associated with personal communications

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30 devices.

31 2.a.(I) The home addresses, telephone numbers, social
32 security numbers, dates of birth, and photographs of active or
33 former sworn or civilian law enforcement personnel, including
34 correctional and correctional probation officers, personnel of
35 the Department of Children and Families whose duties include the
36 investigation of abuse, neglect, exploitation, fraud, theft, or
37 other criminal activities, personnel of the Department of Health
38 whose duties are to support the investigation of child abuse or
39 neglect, and personnel of the Department of Revenue or local
40 governments whose responsibilities include revenue collection
41 and enforcement or child support enforcement; the home
42 addresses, telephone numbers, social security numbers,
43 photographs, dates of birth, and places of employment of the
44 spouses and children of such personnel; and the names and
45 locations of schools and day care facilities attended by the
46 children of such personnel are exempt from s. 119.07(1).

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

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

56 (IV) Residential addresses, including former residences and
57 residences in which the person frequently resides other than the
58 person's home address, e-mail addresses, driver license numbers,

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

73 b. The home addresses, telephone numbers, dates of birth,
74 and photographs of firefighters certified in compliance with s.
75 633.408; the home addresses, telephone numbers, photographs,
76 dates of birth, and places of employment of the spouses and
77 children of such firefighters; and the names and locations of
78 schools and day care facilities attended by the children of such
79 firefighters are exempt from s. 119.07(1).

80 c. The home addresses, dates of birth, and telephone
81 numbers of current or former justices of the Supreme Court,
82 district court of appeal judges, circuit court judges, and
83 county court judges; the home addresses, telephone numbers,
84 dates of birth, and places of employment of the spouses and
85 children of current or former justices and judges; and the names
86 and locations of schools and day care facilities attended by the
87 children of current or former justices and judges are exempt

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88 from s. 119.07(1).

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

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

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

110 (IV) Residential addresses, including former residences and
111 residences in which the person frequently resides other than the
112 person's home address, e-mail addresses, driver license numbers,
113 license plate numbers, and banking and financial information of
114 current or former state attorneys, assistant state attorneys,
115 statewide prosecutors, or assistant statewide prosecutors and
116 the home addresses, telephone numbers, social security numbers,

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117 photographs, dates of birth, and places of employment of the
118 parents, siblings, and cohabitants of current or former state
119 attorneys, assistant state attorneys, statewide prosecutors, or
120 assistant statewide prosecutors are exempt from s. 119.07(1) and
121 s. 24(a), Art. I of the State Constitution. This sub-sub-
122 subparagraph is subject to the Open Government Sunset Review Act
123 in accordance with s. 119.15 and shall stand repealed on October
124 2, 2020, unless reviewed and saved from repeal through
125 reenactment by the Legislature.

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

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146 administrative law judge of the Division of Administrative
147 Hearings, or child support hearing officer has made reasonable
148 efforts to protect such information from being accessible
149 through other means available to the public.

150 f. The home addresses, telephone numbers, dates of birth,
151 and photographs of current or former human resource, labor
152 relations, or employee relations directors, assistant directors,
153 managers, or assistant managers of any local government agency
154 or water management district whose duties include hiring and
155 firing employees, labor contract negotiation, administration, or
156 other personnel-related duties; the names, home addresses,
157 telephone numbers, dates of birth, and places of employment of
158 the spouses and children of such personnel; and the names and
159 locations of schools and day care facilities attended by the
160 children of such personnel are exempt from s. 119.07(1) and s.
161 24(a), Art. I of the State Constitution.

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

170 h. The home addresses, telephone numbers, places of
171 employment, dates of birth, and photographs of current or former
172 guardians ad litem, as defined in s. 39.820; the names, home
173 addresses, telephone numbers, dates of birth, and places of
174 employment of the spouses and children of such persons; and the

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175 names and locations of schools and day care facilities attended
176 by the children of such persons are exempt from s. 119.07(1) and
177 s. 24(a), Art. I of the State Constitution, if the guardian ad
178 litem provides a written statement that the guardian ad litem
179 has made reasonable efforts to protect such information from
180 being accessible through other means available to the public.

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

198 j.(I) The home addresses, telephone numbers, dates of
199 birth, and photographs of current or former public defenders,
200 assistant public defenders, criminal conflict and civil regional
201 counsel, and assistant criminal conflict and civil regional
202 counsel; the home addresses, telephone numbers, dates of birth,
203 and places of employment of the spouses and children of such

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204 defenders or counsel; and the names and locations of schools and
205 day care facilities attended by the children of such defenders
206 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
207 the State Constitution.

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

215 (III) Residential addresses, including former residences
216 and residences in which the person frequently resides other than
217 the person's home address, e-mail addresses, driver license
218 numbers, license plate numbers, and banking and financial
219 information of current or former public defenders, assistant
220 public defenders, criminal conflict and civil regional counsel,
221 assistant criminal conflict and civil regional counsel, capital
222 collateral regional counsel, and assistant capital collateral
223 regional counsel, and the home addresses, telephone numbers,
224 social security numbers, photographs, dates of birth, and places
225 of employment of the parents, siblings, and cohabitants of
226 current or former public defenders, assistant public defenders,
227 criminal conflict and civil regional counsel, assistant criminal
228 conflict and civil regional counsel, capital collateral regional
229 counsel, and assistant capital collateral regional counsel are
230 exempt from s. 24(a), Art. I of the State Constitution. This
231 sub-sub-subparagraph is subject to the Open Government Sunset
232 Review Act in accordance with s. 119.15 and shall stand repealed

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233 on October 2, 2020, unless reviewed and saved from repeal
234 through reenactment by the Legislature.

235 k. The home addresses, telephone numbers, and photographs
236 of current or former investigators or inspectors of the
237 Department of Business and Professional Regulation; the names,
238 home addresses, telephone numbers, and places of employment of
239 the spouses and children of such current or former investigators
240 and inspectors; and the names and locations of schools and day
241 care facilities attended by the children of such current or
242 former investigators and inspectors are exempt from s. 119.07(1)
243 and s. 24(a), Art. I of the State Constitution if the
244 investigator or inspector has made reasonable efforts to protect
245 such information from being accessible through other means
246 available to the public. This sub-subparagraph is subject to the
247 Open Government Sunset Review Act in accordance with s. 119.15
248 and shall stand repealed on October 2, 2017, unless reviewed and
249 saved from repeal through reenactment by the Legislature.

250 l. The home addresses and telephone numbers of county tax
251 collectors; the names, home addresses, telephone numbers, and
252 places of employment of the spouses and children of such tax
253 collectors; and the names and locations of schools and day care
254 facilities attended by the children of such tax collectors are
255 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
256 Constitution if the county tax collector has made reasonable
257 efforts to protect such information from being accessible
258 through other means available to the public. This sub-
259 subparagraph is subject to the Open Government Sunset Review Act
260 in accordance with s. 119.15 and shall stand repealed on October
261 2, 2017, unless reviewed and saved from repeal through

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262 reenactment by the Legislature.

263 m. The home addresses, telephone numbers, dates of birth,
264 and photographs of current or former personnel of the Department
265 of Health whose duties include, or result in, the determination
266 or adjudication of eligibility for social security disability
267 benefits, the investigation or prosecution of complaints filed
268 against health care practitioners, or the inspection of health
269 care practitioners or health care facilities licensed by the
270 Department of Health; the names, home addresses, telephone
271 numbers, dates of birth, and places of employment of the spouses
272 and children of such personnel; and the names and locations of
273 schools and day care facilities attended by the children of such
274 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
275 the State Constitution if the personnel have made reasonable
276 efforts to protect such information from being accessible
277 through other means available to the public. This sub-
278 subparagraph is subject to the Open Government Sunset Review Act
279 in accordance with s. 119.15 and shall stand repealed on October
280 2, 2019, unless reviewed and saved from repeal through
281 reenactment by the Legislature.

282 3. An agency that is the custodian of the information
283 specified in subparagraph 2. and that is not the employer of the
284 officer, employee, justice, judge, or other person specified in
285 subparagraph 2. shall maintain the exempt status of that
286 information only if the officer, employee, justice, judge, other
287 person, or employing agency of the designated employee submits a
288 written request for maintenance of the exemption to the
289 custodial agency.

290 4. The exemptions in this paragraph apply to information

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291 held by an agency before, on, or after the effective date of the
292 exemption.

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

298 Section 2. The Legislature finds that it is a public
299 necessity that the residential addresses, e-mail addresses,
300 driver license numbers, license plate numbers, and banking and
301 financial information of active or former sworn or civilian law
302 enforcement personnel, including correctional and correctional
303 probation officers, personnel of the Department of Children and
304 Families whose duties include the investigation of abuse,
305 neglect, exploitation, fraud, theft, or other criminal
306 activities, personnel of the Department of Health whose duties
307 are to support the investigation of child abuse or neglect,
308 personnel of the Department of Revenue or local governments
309 whose responsibilities include revenue collection and
310 enforcement or child support enforcement, current or former
311 state attorneys, assistant state attorneys, statewide
312 prosecutors, assistant statewide prosecutors, public defenders,
313 assistant public defenders, criminal conflict and civil regional
314 counsel, assistant criminal conflict and civil regional counsel,
315 capital collateral regional counsel, and assistant capital
316 collateral regional counsel be made exempt from s. 119.07(1),
317 Florida Statutes, and s. 24(a), Article I of the State
318 Constitution. The Legislature further finds that it is a public
319 necessity that the home addresses, telephone numbers, social

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320 security numbers, photographs, dates of birth, and places of
321 employment of the parents, siblings, and cohabitants of such
322 persons be made exempt from s. 119.07(1), Florida Statutes, and
323 s. 24(a), Article I of the State Constitution. The Legislature
324 finds that the release of such identifying and location
325 information could place the person, or a parent, sibling, or
326 cohabitant of the person, in danger of being physically and
327 emotionally harmed or being stalked by a defendant or other
328 person. The Legislature finds that the harm that may result from
329 the release of such identifying and location information
330 outweighs any public benefit that may be derived from the
331 disclosure of the information.

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