

**By** the Committees on Rules; Governmental Oversight and Accountability; and 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,  
7       commissioners of the Florida Commission on Offender  
8       Review and specified commission personnel, current and  
9       former state attorneys, assistant state attorneys,  
10      statewide prosecutors, assistant statewide  
11      prosecutors, public defenders, assistant public  
12      defenders, criminal conflict and civil regional  
13      counsel, assistant criminal conflict and civil  
14      regional counsel, capital collateral regional counsel,  
15      and assistant capital collateral regional counsel and  
16      their spouses, children, parents, siblings, or  
17      cohabitants; providing for retroactive application;  
18      providing for future legislative review and repeal of  
19      the exemptions; providing a statement of public  
20      necessity; providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Paragraph (d) of subsection (4) of section  
25       119.071, Florida Statutes, is amended to read:

26       119.071 General exemptions from inspection or copying of  
27       public records.—

28       (4) AGENCY PERSONNEL INFORMATION.—

29       (d)1. For purposes of this paragraph, the term "telephone

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30 numbers" includes home telephone numbers, personal cellular  
31 telephone numbers, personal pager telephone numbers, and  
32 telephone numbers associated with personal communications  
33 devices.

34 2.a.(I) The home addresses, telephone numbers, social  
35 security numbers, dates of birth, and photographs of active or  
36 former sworn or civilian law enforcement personnel, including  
37 correctional and correctional probation officers; personnel of  
38 the Department of Children and Families whose duties include the  
39 investigation of abuse, neglect, exploitation, fraud, theft, or  
40 other criminal activities; personnel of the Department of  
41 Health whose duties are to support the investigation of child  
42 abuse or neglect; and personnel of the Department of Revenue or  
43 local governments whose responsibilities include revenue  
44 collection and enforcement or child support enforcement; and  
45 commissioners of the Florida Commission on Offender Review, and  
46 the personnel of the commission whose duties include making  
47 final decisions on holding a hearing for, or investigating  
48 violations of, post-incarceration supervised release; the home  
49 addresses, telephone numbers, social security numbers,  
50 photographs, dates of birth, and places of employment of the  
51 spouses and children of such personnel; and the names and  
52 locations of schools and day care facilities attended by the  
53 children of such personnel are exempt from s. 119.07(1) and s.  
54 24(a), Art. I of the State Constitution. This sub-sub-  
55 subparagraph is subject to the Open Government Sunset Review Act  
56 in accordance with s. 119.15 and shall stand repealed on October  
57 2, 2020, unless reviewed and saved from repeal through  
58 reenactment by the Legislature.

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

64 ~~(III)~~ This sub-sub-subparagraph ~~(II)~~ is subject to the Open  
65 Government Sunset Review Act in accordance with s. 119.15, and  
66 shall stand repealed on October 2, 2018, unless reviewed and  
67 saved from repeal through reenactment by the Legislature.

68 (III) Residential addresses, personal e-mail addresses,  
69 license plate numbers, and banking and financial information of  
70 active or former sworn or civilian law enforcement personnel and  
71 the other specified agency personnel identified in sub-sub-  
72 subparagraph (I) and the home addresses, telephone numbers,  
73 photographs, dates of birth, and places of employment of the  
74 parents, siblings, and cohabitants of active or former sworn or  
75 civilian law enforcement personnel and the other specified  
76 agency personnel identified in sub-sub-subparagraph (I) are  
77 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
78 Constitution. The exemptions in this sub-sub-subparagraph apply  
79 to information held by an agency before, on, or after the  
80 effective date of the exemption. This sub-sub-subparagraph is  
81 subject to the Open Government Sunset Review Act in accordance  
82 with s. 119.15 and shall stand repealed on October 2, 2020,  
83 unless reviewed and saved from repeal through reenactment by the  
84 Legislature.

85 b. The home addresses, telephone numbers, dates of birth,  
86 and photographs of firefighters certified in compliance with s.  
87 633.408; the home addresses, telephone numbers, photographs,

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88 dates of birth, and places of employment of the spouses and  
89 children of such firefighters; and the names and locations of  
90 schools and day care facilities attended by the children of such  
91 firefighters are exempt from s. 119.07(1).

92 c. The home addresses, dates of birth, and telephone  
93 numbers of current or former justices of the Supreme Court,  
94 district court of appeal judges, circuit court judges, and  
95 county court judges; the home addresses, telephone numbers,  
96 dates of birth, and places of employment of the spouses and  
97 children of current or former justices and judges; and the names  
98 and locations of schools and day care facilities attended by the  
99 children of current or former justices and judges are exempt  
100 from s. 119.07(1).

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

114 (II) The names of the spouses and children of current or  
115 former state attorneys, assistant state attorneys, statewide  
116 prosecutors, or assistant statewide prosecutors are exempt from

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117 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

122 (IV) Residential addresses, personal e-mail addresses,  
123 license plate numbers, and banking and financial information of  
124 current or former state attorneys, assistant state attorneys,  
125 statewide prosecutors, or assistant statewide prosecutors and  
126 the home addresses, telephone numbers, photographs, dates of  
127 birth, and places of employment of the parents, siblings, and  
128 cohabitants of current or former state attorneys, assistant  
129 state attorneys, statewide prosecutors, or assistant statewide  
130 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of  
131 the State Constitution. The exemptions in this sub-sub-  
132 subparagraph apply to information held by an agency before, on,  
133 or after the effective date of the exemption. This sub-sub-  
134 subparagraph is subject to the Open Government Sunset Review Act  
135 in accordance with s. 119.15 and shall stand repealed on October  
136 2, 2020, unless reviewed and saved from repeal through  
137 reenactment by the Legislature.

138 e. The home addresses, dates of birth, and telephone  
139 numbers of general magistrates, special magistrates, judges of  
140 compensation claims, administrative law judges of the Division  
141 of Administrative Hearings, and child support enforcement  
142 hearing officers; the home addresses, telephone numbers, dates  
143 of birth, and places of employment of the spouses and children  
144 of general magistrates, special magistrates, judges of  
145 compensation claims, administrative law judges of the Division

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146 of Administrative Hearings, and child support enforcement  
147 hearing officers; and the names and locations of schools and day  
148 care facilities attended by the children of general magistrates,  
149 special magistrates, judges of compensation claims,  
150 administrative law judges of the Division of Administrative  
151 Hearings, and child support enforcement hearing officers are  
152 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
153 Constitution if the general magistrate, special magistrate,  
154 judge of compensation claims, administrative law judge of the  
155 Division of Administrative Hearings, or child support hearing  
156 officer provides a written statement that the general  
157 magistrate, special magistrate, judge of compensation claims,  
158 administrative law judge of the Division of Administrative  
159 Hearings, or child support hearing officer has made reasonable  
160 efforts to protect such information from being accessible  
161 through other means available to the public.

162 f. The home addresses, telephone numbers, dates of birth,  
163 and photographs of current or former human resource, labor  
164 relations, or employee relations directors, assistant directors,  
165 managers, or assistant managers of any local government agency  
166 or water management district whose duties include hiring and  
167 firing employees, labor contract negotiation, administration, or  
168 other personnel-related duties; the names, home addresses,  
169 telephone numbers, dates of birth, and places of employment of  
170 the spouses and children of such personnel; and the names and  
171 locations of schools and day care facilities attended by the  
172 children of such personnel are exempt from s. 119.07(1) and s.  
173 24(a), Art. I of the State Constitution.

174 g. The home addresses, telephone numbers, dates of birth,

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175 and photographs of current or former code enforcement officers;  
176 the names, home addresses, telephone numbers, dates of birth,  
177 and places of employment of the spouses and children of such  
178 personnel; and the names and locations of schools and day care  
179 facilities attended by the children of such personnel are exempt  
180 from s. 119.07(1) and s. 24(a), Art. I of the State  
181 Constitution.

182 h. The home addresses, telephone numbers, places of  
183 employment, dates of birth, and photographs of current or former  
184 guardians ad litem, as defined in s. 39.820; the names, home  
185 addresses, telephone numbers, dates of birth, and places of  
186 employment of the spouses and children of such persons; and the  
187 names and locations of schools and day care facilities attended  
188 by the children of such persons are exempt from s. 119.07(1) and  
189 s. 24(a), Art. I of the State Constitution, if the guardian ad  
190 litem provides a written statement that the guardian ad litem  
191 has made reasonable efforts to protect such information from  
192 being accessible through other means available to the public.

193 i. The home addresses, telephone numbers, dates of birth,  
194 and photographs of current or former juvenile probation  
195 officers, juvenile probation supervisors, detention  
196 superintendents, assistant detention superintendents, juvenile  
197 justice detention officers I and II, juvenile justice detention  
198 officer supervisors, juvenile justice residential officers,  
199 juvenile justice residential officer supervisors I and II,  
200 juvenile justice counselors, juvenile justice counselor  
201 supervisors, human services counselor administrators, senior  
202 human services counselor administrators, rehabilitation  
203 therapists, and social services counselors of the Department of

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204 Juvenile Justice; the names, home addresses, telephone numbers,  
205 dates of birth, and places of employment of spouses and children  
206 of such personnel; and the names and locations of schools and  
207 day care facilities attended by the children of such personnel  
208 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
209 Constitution.

210 j.(I) The home addresses, telephone numbers, dates of  
211 birth, and photographs of current or former public defenders,  
212 assistant public defenders, criminal conflict and civil regional  
213 counsel, ~~and~~ assistant criminal conflict and civil regional  
214 counsel, capital collateral regional counsel, and assistant  
215 capital collateral regional counsel; the home addresses,  
216 telephone numbers, dates of birth, and places of employment of  
217 the spouses and children of such defenders or counsel; and the  
218 names and locations of schools and day care facilities attended  
219 by the children of such defenders or counsel are exempt from s.  
220 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
221 sub-sub-subparagraph is subject to the Open Government Sunset  
222 Review Act in accordance with s. 119.15 and shall stand repealed  
223 on October 2, 2020, unless reviewed and saved from repeal  
224 through reenactment by the Legislature.

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

232 (III) Residential addresses, personal e-mail addresses,



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233 license plate numbers, and banking and financial information of  
234 current or former public defenders, assistant public defenders,  
235 criminal conflict and civil regional counsel, assistant criminal  
236 conflict and civil regional counsel, capital collateral regional  
237 counsel, and assistant capital collateral regional counsel, and  
238 the home addresses, telephone numbers, photographs, dates of  
239 birth, and places of employment of the parents, siblings, and  
240 cohabitants of current or former public defenders, assistant  
241 public defenders, criminal conflict and civil regional counsel,  
242 assistant criminal conflict and civil regional counsel, capital  
243 collateral regional counsel, and assistant capital collateral  
244 regional counsel are exempt from s. 119.07(1) and s. 24(a), Art.  
245 I of the State Constitution. The exemptions in this sub-sub-  
246 subparagraph apply to information held by an agency before, on,  
247 or after the effective date of the exemption. This sub-sub-  
248 subparagraph is subject to the Open Government Sunset Review Act  
249 in accordance with s. 119.15 and shall stand repealed on October  
250 2, 2020, unless reviewed and saved from repeal through  
251 reenactment by the Legislature.

252 k. The home addresses, telephone numbers, and photographs  
253 of current or former investigators or inspectors of the  
254 Department of Business and Professional Regulation; the names,  
255 home addresses, telephone numbers, and places of employment of  
256 the spouses and children of such current or former investigators  
257 and inspectors; and the names and locations of schools and day  
258 care facilities attended by the children of such current or  
259 former investigators and inspectors are exempt from s. 119.07(1)  
260 and s. 24(a), Art. I of the State Constitution if the  
261 investigator or inspector has made reasonable efforts to protect

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262 such information from being accessible through other means  
263 available to the public. This sub-subparagraph is subject to the  
264 Open Government Sunset Review Act in accordance with s. 119.15  
265 and shall stand repealed on October 2, 2017, unless reviewed and  
266 saved from repeal through reenactment by the Legislature.

267 1. The home addresses and telephone numbers of county tax  
268 collectors; the names, home addresses, telephone numbers, and  
269 places of employment of the spouses and children of such tax  
270 collectors; and the names and locations of schools and day care  
271 facilities attended by the children of such tax collectors are  
272 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
273 Constitution if the county tax collector has made reasonable  
274 efforts to protect such information from being accessible  
275 through other means available to the public. This sub-  
276 subparagraph is subject to the Open Government Sunset Review Act  
277 in accordance with s. 119.15 and shall stand repealed on October  
278 2, 2017, unless reviewed and saved from repeal through  
279 reenactment by the Legislature.

280 m. The home addresses, telephone numbers, dates of birth,  
281 and photographs of current or former personnel of the Department  
282 of Health whose duties include, or result in, the determination  
283 or adjudication of eligibility for social security disability  
284 benefits, the investigation or prosecution of complaints filed  
285 against health care practitioners, or the inspection of health  
286 care practitioners or health care facilities licensed by the  
287 Department of Health; the names, home addresses, telephone  
288 numbers, dates of birth, and places of employment of the spouses  
289 and children of such personnel; and the names and locations of  
290 schools and day care facilities attended by the children of such

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291 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
292 the State Constitution if the personnel have made reasonable  
293 efforts to protect such information from being accessible  
294 through other means available to the public. This sub-  
295 subparagraph is subject to the Open Government Sunset Review Act  
296 in accordance with s. 119.15 and shall stand repealed on October  
297 2, 2019, unless reviewed and saved from repeal through  
298 reenactment by the Legislature.

299 3. An agency that is the custodian of the information  
300 specified in subparagraph 2. and that is not the employer of the  
301 officer, employee, justice, judge, or other person specified in  
302 subparagraph 2. shall maintain the exempt status of that  
303 information only if the officer, employee, justice, judge, other  
304 person, or employing agency of the designated employee submits a  
305 written request for maintenance of the exemption to the  
306 custodial agency.

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

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

315 Section 2. (1) The Legislature finds that it is a public  
316 necessity that the home addresses, telephone numbers, dates of  
317 birth, and photographs of commissioners of the Florida  
318 Commission on Offender Review, and the personnel of the  
319 commission whose duties include making final decisions on

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320 holding a hearing for, or investigating violations of, post-  
321 incarceration supervised release, and current or former capital  
322 collateral regional counsel and assistant capital collateral  
323 regional counsel; the home addresses, telephone numbers, dates  
324 of birth, and places of employment of the spouses and children  
325 of such personnel and counsel; and the names and locations of  
326 schools and day care facilities attended by the children of such  
327 personnel and counsel be exempt from s. 119.07(1), Florida  
328 Statutes, and s. 24(a), Article I of the State Constitution.  
329 Further, the Legislature also finds that it is a public  
330 necessity that the names of the spouses and children of  
331 commissioners of the Florida Commission on Offender Review, and  
332 the personnel of the commission whose duties include making  
333 final decisions on holding a hearing for, or investigating  
334 violations of, post-incarceration supervised release, and  
335 current or former capital collateral regional counsel and  
336 assistant capital collateral regional counsel be exempt from s.  
337 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
338 State Constitution. The Legislature finds that commissioners of  
339 the Florida Commission on Offender Review, and the personnel of  
340 the commission whose duties include making final decisions on  
341 holding a hearing for, or investigating violations of, post-  
342 incarceration supervised release, and current or former capital  
343 collateral regional counsel and assistant capital collateral  
344 regional counsel and their families are entitled to the same  
345 protections that are afforded to active or former sworn or civil  
346 law enforcement personnel and other agency personnel identified  
347 in s. 119.071(4)(d)2.a.(I), Florida Statutes, public defenders,  
348 assistant public defenders, criminal conflict and civil regional

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349 counsel, assistant criminal conflict and civil regional counsel,  
350 and their families. The public disclosure of identification and  
351 location information and the names of the spouses and children  
352 of commissioners of the Florida Commission on Offender Review,  
353 and the personnel of the commission whose duties include making  
354 final decisions on holding a hearing for, or investigating  
355 violations of, post-incarceration supervised release and current  
356 or former capital collateral regional counsel and assistant  
357 capital collateral regional counsel places such personnel and  
358 counsel and their families in danger of physical and emotional  
359 harm from disgruntled individuals who have contentious reactions  
360 to actions carried out through the commission's or counsel's  
361 official duties.

362 (2) The Legislature also finds that it is a public  
363 necessity that the residential addresses, personal e-mail  
364 addresses, license plate numbers, and banking and financial  
365 information of active or former sworn or civilian law  
366 enforcement personnel, including correctional and correctional  
367 probation officers, personnel of the Department of Children and  
368 Families whose duties include the investigation of abuse,  
369 neglect, exploitation, fraud, theft, or other criminal  
370 activities, personnel of the Department of Health whose duties  
371 are to support the investigation of child abuse or neglect,  
372 personnel of the Department of Revenue or local governments  
373 whose responsibilities include revenue collection and  
374 enforcement or child support enforcement, commissioners of the  
375 Florida Commission on Offender Review, and the personnel of the  
376 commission whose duties include making final decisions on  
377 holding a hearing for, or investigating violations of, post-

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378 incarceration supervised release, current or former state  
379 attorneys, assistant state attorneys, statewide prosecutors,  
380 assistant statewide prosecutors, public defenders, assistant  
381 public defenders, criminal conflict and civil regional counsel,  
382 assistant criminal conflict and civil regional counsel, capital  
383 collateral regional counsel, and assistant capital collateral  
384 regional counsel be made exempt from s. 119.07(1), Florida  
385 Statutes, and s. 24(a), Article I of the State Constitution. The  
386 Legislature further finds that it is a public necessity that the  
387 home addresses, telephone numbers, photographs, dates of birth,  
388 and places of employment of the parents, siblings, and  
389 cohabitants of such persons be made exempt from s. 119.07(1),  
390 Florida Statutes, and s. 24(a), Article I of the State  
391 Constitution. The Legislature finds that the release of such  
392 identifying and location information places the person, or a  
393 parent, sibling, or cohabitant of the person, in danger of being  
394 physically and emotionally harmed or being stalked by a  
395 defendant or other person. The Legislature finds that the harm  
396 that may result from the release of such identifying and  
397 location information outweighs any public benefit that may be  
398 derived from the disclosure of the information.

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