

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.071, F.S.; creating an exemption from public  
 4           records requirements for certain identifying and  
 5           location information of current or former impaired  
 6           practitioner consultants who are retained by an agency  
 7           or current or former employees of an impaired  
 8           practitioner consultant whose duties result in a  
 9           determination of a person's skill and safety to  
 10          practice a licensed profession and the spouses and  
 11          children of such consultants or employees, under  
 12          specified circumstances; providing for future  
 13          legislative review and repeal 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:

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

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

24           (4) AGENCY PERSONNEL INFORMATION.—

25           (d)1. For purposes of this paragraph, the term "telephone  
 26   numbers" includes home telephone numbers, personal cellular

27 | telephone numbers, personal pager telephone numbers, and  
28 | telephone numbers associated with personal communications  
29 | devices.

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

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

51 |       (III) Sub-sub-subparagraph (II) is subject to the Open  
52 | Government Sunset Review Act in accordance with s. 119.15, and

53 shall stand repealed on October 2, 2018, unless reviewed and  
54 saved from repeal through reenactment by the Legislature.

55 b. The home addresses, telephone numbers, dates of birth,  
56 and photographs of firefighters certified in compliance with s.  
57 633.408; the home addresses, telephone numbers, photographs,  
58 dates of birth, and places of employment of the spouses and  
59 children of such firefighters; and the names and locations of  
60 schools and day care facilities attended by the children of such  
61 firefighters are exempt from s. 119.07(1).

62 c. The home addresses, dates of birth, and telephone  
63 numbers of current or former justices of the Supreme Court,  
64 district court of appeal judges, circuit court judges, and  
65 county court judges; the home addresses, telephone numbers,  
66 dates of birth, and places of employment of the spouses and  
67 children of current or former justices and judges; and the names  
68 and locations of schools and day care facilities attended by the  
69 children of current or former justices and judges are exempt  
70 from s. 119.07(1).

71 d.(I) The home addresses, telephone numbers, social  
72 security numbers, dates of birth, and photographs of current or  
73 former state attorneys, assistant state attorneys, statewide  
74 prosecutors, or assistant statewide prosecutors; the home  
75 addresses, telephone numbers, social security numbers,  
76 photographs, dates of birth, and places of employment of the  
77 spouses and children of current or former state attorneys,  
78 assistant state attorneys, statewide prosecutors, or assistant

79 statewide prosecutors; and the names and locations of schools  
80 and day care facilities attended by the children of current or  
81 former state attorneys, assistant state attorneys, statewide  
82 prosecutors, or assistant statewide prosecutors are exempt from  
83 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

92 e. The home addresses, dates of birth, and telephone  
93 numbers of general magistrates, special magistrates, judges of  
94 compensation claims, administrative law judges of the Division  
95 of Administrative Hearings, and child support enforcement  
96 hearing officers; the home addresses, telephone numbers, dates  
97 of birth, and places of employment of the spouses and children  
98 of general magistrates, special magistrates, judges of  
99 compensation claims, administrative law judges of the Division  
100 of Administrative Hearings, and child support enforcement  
101 hearing officers; and the names and locations of schools and day  
102 care facilities attended by the children of general magistrates,  
103 special magistrates, judges of compensation claims,  
104 administrative law judges of the Division of Administrative

105 Hearings, and child support enforcement hearing officers are  
106 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
107 Constitution if the general magistrate, special magistrate,  
108 judge of compensation claims, administrative law judge of the  
109 Division of Administrative Hearings, or child support hearing  
110 officer provides a written statement that the general  
111 magistrate, special magistrate, judge of compensation claims,  
112 administrative law judge of the Division of Administrative  
113 Hearings, or child support hearing officer has made reasonable  
114 efforts to protect such information from being accessible  
115 through other means available to the public.

116 f. The home addresses, telephone numbers, dates of birth,  
117 and photographs of current or former human resource, labor  
118 relations, or employee relations directors, assistant directors,  
119 managers, or assistant managers of any local government agency  
120 or water management district whose duties include hiring and  
121 firing employees, labor contract negotiation, administration, or  
122 other personnel-related duties; the names, home addresses,  
123 telephone numbers, dates of birth, and places of employment of  
124 the spouses and children of such personnel; and the names and  
125 locations of schools and day care facilities attended by the  
126 children of such personnel are exempt from s. 119.07(1) and s.  
127 24(a), Art. I of the State Constitution.

128 g. The home addresses, telephone numbers, dates of birth,  
129 and photographs of current or former code enforcement officers;  
130 the names, home addresses, telephone numbers, dates of birth,

131 and places of employment of the spouses and children of such  
132 personnel; and the names and locations of schools and day care  
133 facilities attended by the children of such personnel are exempt  
134 from s. 119.07(1) and s. 24(a), Art. I of the State  
135 Constitution.

136 h. The home addresses, telephone numbers, places of  
137 employment, dates of birth, and photographs of current or former  
138 guardians ad litem, as defined in s. 39.820; the names, home  
139 addresses, telephone numbers, dates of birth, and places of  
140 employment of the spouses and children of such persons; and the  
141 names and locations of schools and day care facilities attended  
142 by the children of such persons are exempt from s. 119.07(1) and  
143 s. 24(a), Art. I of the State Constitution, if the guardian ad  
144 litem provides a written statement that the guardian ad litem  
145 has made reasonable efforts to protect such information from  
146 being accessible through other means available to the public.

147 i. The home addresses, telephone numbers, dates of birth,  
148 and photographs of current or former juvenile probation  
149 officers, juvenile probation supervisors, detention  
150 superintendents, assistant detention superintendents, juvenile  
151 justice detention officers I and II, juvenile justice detention  
152 officer supervisors, juvenile justice residential officers,  
153 juvenile justice residential officer supervisors I and II,  
154 juvenile justice counselors, juvenile justice counselor  
155 supervisors, human services counselor administrators, senior  
156 human services counselor administrators, rehabilitation

157 therapists, and social services counselors of the Department of  
158 Juvenile Justice; the names, home addresses, telephone numbers,  
159 dates of birth, and places of employment of spouses and children  
160 of such personnel; and the names and locations of schools and  
161 day care facilities attended by the children of such personnel  
162 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
163 Constitution.

164 j.(I) The home addresses, telephone numbers, dates of  
165 birth, and photographs of current or former public defenders,  
166 assistant public defenders, criminal conflict and civil regional  
167 counsel, and assistant criminal conflict and civil regional  
168 counsel; the home addresses, telephone numbers, dates of birth,  
169 and places of employment of the spouses and children of such  
170 defenders or counsel; and the names and locations of schools and  
171 day care facilities attended by the children of such defenders  
172 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
173 the State Constitution.

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

181 k. The home addresses, telephone numbers, and photographs  
182 of current or former investigators or inspectors of the

183 Department of Business and Professional Regulation; the names,  
184 home addresses, telephone numbers, and places of employment of  
185 the spouses and children of such current or former investigators  
186 and inspectors; and the names and locations of schools and day  
187 care facilities attended by the children of such current or  
188 former investigators and inspectors are exempt from s. 119.07(1)  
189 and s. 24(a), Art. I of the State Constitution if the  
190 investigator or inspector has made reasonable efforts to protect  
191 such information from being accessible through other means  
192 available to the public. This sub-subparagraph is subject to the  
193 Open Government Sunset Review Act in accordance with s. 119.15  
194 and shall stand repealed on October 2, 2017, unless reviewed and  
195 saved from repeal through reenactment by the Legislature.

196 1. The home addresses and telephone numbers of county tax  
197 collectors; the names, home addresses, telephone numbers, and  
198 places of employment of the spouses and children of such tax  
199 collectors; and the names and locations of schools and day care  
200 facilities attended by the children of such tax collectors are  
201 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
202 Constitution if the county tax collector has made reasonable  
203 efforts to protect such information from being accessible  
204 through other means available to the public. This sub-  
205 subparagraph is subject to the Open Government Sunset Review Act  
206 in accordance with s. 119.15 and shall stand repealed on October  
207 2, 2017, unless reviewed and saved from repeal through  
208 reenactment by the Legislature.



209 m. The home addresses, telephone numbers, dates of birth,  
210 and photographs of current or former personnel of the Department  
211 of Health whose duties include, or result in, the determination  
212 or adjudication of eligibility for social security disability  
213 benefits, the investigation or prosecution of complaints filed  
214 against health care practitioners, or the inspection of health  
215 care practitioners or health care facilities licensed by the  
216 Department of Health; the names, home addresses, telephone  
217 numbers, dates of birth, and places of employment of the spouses  
218 and children of such personnel; and the names and locations of  
219 schools and day care facilities attended by the children of such  
220 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
221 the State Constitution if the personnel have made reasonable  
222 efforts to protect such information from being accessible  
223 through other means available to the public. This sub-  
224 subparagraph is subject to the Open Government Sunset Review Act  
225 in accordance with s. 119.15 and shall stand repealed on October  
226 2, 2019, unless reviewed and saved from repeal through  
227 reenactment by the Legislature.

228 n. The home addresses, telephone numbers, dates of birth,  
229 and photographs of current or former impaired practitioner  
230 consultants who are retained by an agency or of current or  
231 former employees of an impaired practitioner consultant whose  
232 duties result in a determination of a person's skill and safety  
233 to practice a licensed profession; the names, home addresses,  
234 telephone numbers, dates of birth, and places of employment of

235 the spouses and children of such consultants or employees; and  
236 the names and locations of schools and day care facilities  
237 attended by the children of such consultants or employees are  
238 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
239 Constitution if a consultant or employee has made reasonable  
240 efforts to protect such information from being accessible  
241 through other means available to the public. This sub-  
242 paragraph is subject to the Open Government Sunset Review Act  
243 in accordance with s. 119.15 and shall stand repealed on October  
244 2, 2020, unless reviewed and saved from repeal through  
245 reenactment by the Legislature.

246 3. An agency that is the custodian of the information  
247 specified in subparagraph 2. and that is not the employer of the  
248 officer, employee, justice, judge, or other person specified in  
249 subparagraph 2. shall maintain the exempt status of that  
250 information only if the officer, employee, justice, judge, other  
251 person, or employing agency of the designated employee submits a  
252 written request for maintenance of the exemption to the  
253 custodial agency.

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

257 5. Except as otherwise expressly provided in this  
258 paragraph, this paragraph is subject to the Open Government  
259 Sunset Review Act in accordance with s. 119.15, and shall stand  
260 repealed on October 2, 2017, unless reviewed and saved from

261 repeal through reenactment by the Legislature.

262       Section 2. The Legislature finds that it is a public  
263 necessity that the home addresses, telephone numbers, dates of  
264 birth, and photographs of current or former impaired  
265 practitioner consultants who are retained by an agency or of  
266 current or former employees of an impaired practitioner  
267 consultant whose duties result in a determination of a person's  
268 skill and safety to practice a licensed profession; that the  
269 names, home addresses, telephone numbers, dates of birth, and  
270 places of employment of the spouses and children of such  
271 consultants or employees; and that the names and locations of  
272 schools and day care facilities attended by the children of such  
273 consultants or employees be exempt from public records  
274 requirements if the consultant or employee has made reasonable  
275 efforts to protect such information from being accessible  
276 through other means available to the public. An impaired  
277 practitioner consultant assists the state and its regulatory  
278 boards in implementing an impaired practitioner treatment  
279 program. The consultant provides the necessary resources to  
280 evaluate and monitor program compliance of licensees, applicants  
281 for licensure, and students enrolled in prelicensure education  
282 programs who could be impaired and, as a result, unable to  
283 practice with reasonable skill and safety to the public. A  
284 person who is referred to the program but who, in the opinion of  
285 the consultant, based on treatment and compliance monitoring  
286 information, fails to successfully complete its requirements or

287 is an immediate, serious threat to public safety is at risk of  
288 failing to obtain or losing the license that is necessary to  
289 engage in his or her chosen profession. The Legislature finds  
290 that release of identifying and location information could place  
291 an impaired practitioner consultant or an employee of a  
292 consultant whose duties result in a determination of a person's  
293 skill and safety to practice a licensed profession, or the  
294 spouses and children of such consultants or employees, in danger  
295 of being physically or emotionally harmed or stalked by a person  
296 who has a hostile reaction to a recommendation, report, or  
297 conclusion provided by a consultant or an employee of a  
298 consultant in the determination of whether the practitioner is  
299 impaired. The Legislature further finds that the harm that may  
300 result from the release of such identifying and location  
301 information outweighs any public benefit that may be derived  
302 from the disclosure of the information.

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