

By the Committee on Health Policy; and Senator Bean

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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 retained by an agency or
7 certain current or former employees of an impaired
8 practitioner consultant and the spouses and children
9 of such consultants or employees, under specified
10 circumstances; providing for future legislative review
11 and repeal of the exemption under the Open Government
12 Sunset Review Act; providing a statement of public
13 necessity; providing an effective date.

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

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17 Section 1. Paragraph (d) of subsection (4) of section
18 119.071, Florida Statutes, is amended to read:

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

21 (4) AGENCY PERSONNEL INFORMATION.—

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

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

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

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

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

52 b. The home addresses, telephone numbers, dates of birth,
53 and photographs of firefighters certified in compliance with s.
54 633.408; the home addresses, telephone numbers, photographs,
55 dates of birth, and places of employment of the spouses and
56 children of such firefighters; and the names and locations of
57 schools and day care facilities attended by the children of such
58 firefighters are exempt from s. 119.07(1).

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

68 d.(I) The home addresses, telephone numbers, social
69 security numbers, dates of birth, and photographs of current or
70 former state attorneys, assistant state attorneys, statewide
71 prosecutors, or assistant statewide prosecutors; the home
72 addresses, telephone numbers, social security numbers,
73 photographs, dates of birth, and places of employment of the
74 spouses and children of current or former state attorneys,
75 assistant state attorneys, statewide prosecutors, or assistant
76 statewide prosecutors; and the names and locations of schools
77 and day care facilities attended by the children of current or
78 former state attorneys, assistant state attorneys, statewide
79 prosecutors, or assistant statewide prosecutors are exempt from
80 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

85 (III) Sub-sub-subparagraph (II) is subject to the Open
86 Government Sunset Review Act in accordance with s. 119.15, and
87 shall stand repealed on October 2, 2018, unless reviewed and

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88 saved from repeal through reenactment by the Legislature.

89 e. The home addresses, dates of birth, and telephone
90 numbers of general magistrates, special magistrates, judges of
91 compensation claims, administrative law judges of the Division
92 of Administrative Hearings, and child support enforcement
93 hearing officers; the home addresses, telephone numbers, dates
94 of birth, and places of employment of the spouses and children
95 of general magistrates, special magistrates, judges of
96 compensation claims, administrative law judges of the Division
97 of Administrative Hearings, and child support enforcement
98 hearing officers; and the names and locations of schools and day
99 care facilities attended by the children of general magistrates,
100 special magistrates, judges of compensation claims,
101 administrative law judges of the Division of Administrative
102 Hearings, and child support enforcement hearing officers are
103 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
104 Constitution if the general magistrate, special magistrate,
105 judge of compensation claims, administrative law judge of the
106 Division of Administrative Hearings, or child support hearing
107 officer provides a written statement that the general
108 magistrate, special magistrate, judge of compensation claims,
109 administrative law judge of the Division of Administrative
110 Hearings, or child support hearing officer has made reasonable
111 efforts to protect such information from being accessible
112 through other means available to the public.

113 f. The home addresses, telephone numbers, dates of birth,
114 and photographs of current or former human resource, labor
115 relations, or employee relations directors, assistant directors,
116 managers, or assistant managers of any local government agency

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117 or water management district whose duties include hiring and
118 firing employees, labor contract negotiation, administration, or
119 other personnel-related duties; the names, home addresses,
120 telephone numbers, dates of birth, and places of employment of
121 the spouses and children of such personnel; and the names and
122 locations of schools and day care facilities attended by the
123 children of such personnel are exempt from s. 119.07(1) and s.
124 24(a), Art. I of the State Constitution.

125 g. The home addresses, telephone numbers, dates of birth,
126 and photographs of current or former code enforcement officers;
127 the names, home addresses, telephone numbers, dates of birth,
128 and places of employment of the spouses and children of such
129 personnel; and the names and locations of schools and day care
130 facilities attended by the children of such personnel are exempt
131 from s. 119.07(1) and s. 24(a), Art. I of the State
132 Constitution.

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

144 i. The home addresses, telephone numbers, dates of birth,
145 and photographs of current or former juvenile probation

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146 officers, juvenile probation supervisors, detention
147 superintendents, assistant detention superintendents, juvenile
148 justice detention officers I and II, juvenile justice detention
149 officer supervisors, juvenile justice residential officers,
150 juvenile justice residential officer supervisors I and II,
151 juvenile justice counselors, juvenile justice counselor
152 supervisors, human services counselor administrators, senior
153 human services counselor administrators, rehabilitation
154 therapists, and social services counselors of the Department of
155 Juvenile Justice; the names, home addresses, telephone numbers,
156 dates of birth, and places of employment of spouses and children
157 of such personnel; and the names and locations of schools and
158 day care facilities attended by the children of such personnel
159 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
160 Constitution.

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

171 (II) The names of the spouses and children of the specified
172 agency personnel identified in sub-sub-subparagraph (I) are
173 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
174 Constitution. This sub-sub-subparagraph is subject to the Open

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175 Government Sunset Review Act in accordance with s. 119.15 and
176 shall stand repealed on October 2, 2019, unless reviewed and
177 saved from repeal through reenactment by the Legislature.

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

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

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204 2, 2017, unless reviewed and saved from repeal through
205 reenactment by the Legislature.

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

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

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

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

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

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

259 Section 2. The Legislature finds that it is a public
260 necessity that the home addresses, telephone numbers, dates of
261 birth, and photographs of current or former impaired

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262 practitioner consultants who are retained by an agency or
263 current or former employees of an impaired practitioner
264 consultant whose duties result in a determination of a person's
265 skill and safety to practice a licensed profession; that the
266 names, home addresses, telephone numbers, and places of
267 employment of the spouses and children of such consultants and
268 their employees; and that the names and locations of schools and
269 day care facilities attended by the children of such consultant
270 and employees be exempt from public records requirements if the
271 consultant or employee has made reasonable efforts to protect
272 such information from being accessible through other means
273 available to the public. An impaired practitioner consultant
274 assists the state and its regulatory boards in implementing an
275 impaired practitioner treatment program. The consultant provides
276 the necessary resources to evaluate and monitor program
277 compliance of licensees, applicants for licensure, and students
278 enrolled in prelicensure education programs who could be
279 impaired and, as a result, unable to practice with reasonable
280 skill and safety to the public. A person who is referred to the
281 program, but who, in the opinion of the consultant, based on
282 treatment and compliance monitoring information, fails to
283 successfully complete its requirements or is an immediate,
284 serious threat to public safety is at risk of failing to obtain
285 or losing the license that is necessary to engage in his or her
286 chosen profession. In 2013, a program participant with a history
287 of alcohol abuse and cocaine dependence traveled 250 miles
288 across the state to confront his compliance monitor in the
289 driveway of her home. Another program participant threatened a
290 bomb attack on a program office and physical harm to its

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291 employees. As a result of these incidents and other telephone
292 threats, the Legislature finds that release of identifying and
293 location information could place an impaired practitioner
294 consultant or an employee of a consultant whose duties result in
295 a determination of a person's skill and safety to practice a
296 licensed profession, or the spouses and children of such
297 consultants or their employees in danger of being physically or
298 emotionally harmed or stalked by a person who has a hostile
299 reaction to a recommendation, report, or conclusion provided by
300 a consultant or an employee of a consultant in the determination
301 of whether the practitioner is impaired. The Legislature further
302 finds that the harm that may result from the release of such
303 identifying and location information outweighs any public
304 benefit that may be derived from the disclosure of the
305 information.

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