

HB 587

2016

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for certain identifying and
5 location information of current or former personnel of
6 an agency's office of inspector general and those
7 whose duties include conducting internal audits, and
8 the spouses and children thereof; providing for future
9 legislative review and repeal of the exemption;
10 providing a statement of public necessity; providing
11 an effective date.

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

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

17 119.071 General exemptions from inspection or copying of
18 public records.—

19 (4) AGENCY PERSONNEL INFORMATION.—

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

25 2.a.(I) The home addresses, telephone numbers, social
26 security numbers, dates of birth, and photographs of active or

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

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

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

50 b. The home addresses, telephone numbers, dates of birth,
51 and photographs of firefighters certified in compliance with s.
52 633.408; the home addresses, telephone numbers, photographs,

53 | dates of birth, and places of employment of the spouses and
54 | children of such firefighters; and the names and locations of
55 | schools and day care facilities attended by the children of such
56 | firefighters are exempt from s. 119.07(1).

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

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

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

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

87 e. The home addresses, dates of birth, and telephone
88 numbers of general magistrates, special magistrates, judges of
89 compensation claims, administrative law judges of the Division
90 of Administrative Hearings, and child support enforcement
91 hearing officers; the home addresses, telephone numbers, dates
92 of birth, and places of employment of the spouses and children
93 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; and the names and locations of schools and day
97 care facilities attended by the children of general magistrates,
98 special magistrates, judges of compensation claims,
99 administrative law judges of the Division of Administrative
100 Hearings, and child support enforcement hearing officers are
101 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
102 Constitution if the general magistrate, special magistrate,
103 judge of compensation claims, administrative law judge of the
104 Division of Administrative Hearings, or child support hearing

105 officer provides a written statement that the general
106 magistrate, special magistrate, judge of compensation claims,
107 administrative law judge of the Division of Administrative
108 Hearings, or child support hearing officer has made reasonable
109 efforts to protect such information from being accessible
110 through other means available to the public.

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

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

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

142 i. The home addresses, telephone numbers, dates of birth,
 143 and photographs of current or former juvenile probation
 144 officers, juvenile probation supervisors, detention
 145 superintendents, assistant detention superintendents, juvenile
 146 justice detention officers I and II, juvenile justice detention
 147 officer supervisors, juvenile justice residential officers,
 148 juvenile justice residential officer supervisors I and II,
 149 juvenile justice counselors, juvenile justice counselor
 150 supervisors, human services counselor administrators, senior
 151 human services counselor administrators, rehabilitation
 152 therapists, and social services counselors of the Department of
 153 Juvenile Justice; the names, home addresses, telephone numbers,
 154 dates of birth, and places of employment of spouses and children
 155 of such personnel; and the names and locations of schools and
 156 day care facilities attended by the children of such personnel

157 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 158 Constitution.

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

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

176 k. The home addresses, telephone numbers, and photographs
 177 of current or former investigators or inspectors of the
 178 Department of Business and Professional Regulation; the names,
 179 home addresses, telephone numbers, and places of employment of
 180 the spouses and children of such current or former investigators
 181 and inspectors; and the names and locations of schools and day
 182 care facilities attended by the children of such current or

183 former investigators and inspectors are exempt from s. 119.07(1)
184 and s. 24(a), Art. I of the State Constitution if the
185 investigator or inspector has made reasonable efforts to protect
186 such information from being accessible through other means
187 available to the public. This sub-subparagraph is subject to the
188 Open Government Sunset Review Act in accordance with s. 119.15
189 and shall stand repealed on October 2, 2017, unless reviewed and
190 saved from repeal through reenactment by the Legislature.

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

204 m. The home addresses, telephone numbers, dates of birth,
205 and photographs of current or former personnel of the Department
206 of Health whose duties include, or result in, the determination
207 or adjudication of eligibility for social security disability
208 benefits, the investigation or prosecution of complaints filed

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

223 n. The home addresses, telephone numbers, dates of birth,
224 and photographs of current or former impaired practitioner
225 consultants who are retained by an agency or current or former
226 employees of an impaired practitioner consultant whose duties
227 result in a determination of a person's skill and safety to
228 practice a licensed profession; the names, home addresses,
229 telephone numbers, dates of birth, and places of employment of
230 the spouses and children of such consultants or their employees;
231 and the names and locations of schools and day care facilities
232 attended by the children of such consultants or employees are
233 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
234 Constitution if a consultant or employee has made reasonable

235 efforts to protect such information from being accessible
236 through other means available to the public. This sub-
237 subparagraph is subject to the Open Government Sunset Review Act
238 in accordance with s. 119.15 and shall stand repealed on October
239 2, 2020, unless reviewed and saved from repeal through
240 reenactment by the Legislature.

241 o. The home addresses, telephone numbers, social security
242 numbers, dates of birth, and photographs of current or former
243 personnel employed in an agency's office of inspector general or
244 those whose duties include conducting internal audits; the
245 names, home addresses, telephone numbers, social security
246 numbers, dates of birth, photographs, and places of employment
247 of spouses and children of such personnel; and the names and
248 locations of schools and day care facilities attended by the
249 children of such personnel are exempt from s. 119.07(1) and s.
250 24(a), Art. I of the State Constitution if the personnel have
251 made reasonable efforts to protect such information from being
252 accessible through other means available to the public. This
253 sub-subparagraph is subject to the Open Government Sunset Review
254 Act in accordance with s. 119.15 and shall stand repealed on
255 October 2, 2021, unless reviewed and saved from repeal through
256 reenactment by the Legislature.

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

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

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

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

273 Section 2. (1) The Legislature finds that it is a public
 274 necessity that the following identifying and location
 275 information be exempt from public records requirements if
 276 current or former personnel employed in an agency's office of
 277 inspector general, or those whose duties include conducting
 278 internal audits, have made reasonable efforts to protect such
 279 information from being accessible through other means available
 280 to the public:

281 (a) The home addresses, telephone numbers, social security
 282 numbers, dates of birth, and photographs of current or former
 283 personnel employed in an agency's office of inspector general or
 284 those whose duties include conducting internal audits;

285 (b) The names, home addresses, telephone numbers, social
 286 security numbers, dates of birth, photographs, and places of

287 employment of spouses and children of such personnel; and

288 (c) The names and locations of schools and day care
289 facilities attended by the children of such personnel.

290 (2) The Legislature finds that the release of such
291 identifying and location information might place these current
292 or former personnel of an agency's office of inspector general
293 or other personnel whose duties include conducting internal
294 audits and their family members in danger of physical and
295 emotional harm from disgruntled individuals who may react
296 inappropriately to investigations, audits, and other actions
297 carried out by such personnel, or to scrutiny of their business
298 or professional practices. As a result, such personnel and their
299 family members may become targets for acts of revenge by those
300 who are investigated or audited. The risk continues after such
301 personnel leave employment as a disgruntled individual may wait
302 to commit an act of revenge until the employment of such
303 personnel ends. The Legislature further finds that the harm that
304 may result from the release of such personal identifying and
305 location information outweighs any public benefit that may be
306 derived from the disclosure of the information.

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