

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  
 6           employed in an agency's office of inspector general or  
 7           internal audit department whose duties include  
 8           auditing or investigating certain activities that  
 9           could lead to criminal prosecution or administrative  
 10          discipline and the spouses and children thereof;  
 11          providing for future legislative review and repeal of  
 12          the exemption; 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  
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).

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  
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  
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  
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  
172 specified agency personnel identified in sub-sub-subparagraph  
173 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the  
174 State Constitution. This sub-sub-subparagraph is subject to the  
175 Open Government Sunset Review Act in accordance with s. 119.15  
176 and 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 1. 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  
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;  
 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 subparagraph 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 o. The home addresses, telephone numbers, dates of birth,  
 244 and photographs of current or former personnel employed in an  
 245 agency's office of inspector general or internal audit  
 246 department whose duties include auditing or investigating waste,  
 247 fraud, abuse, theft, exploitation, or other activities that  
 248 could lead to criminal prosecution or administrative discipline;  
 249 the names, home addresses, telephone numbers, dates of birth,  
 250 and places of employment of spouses and children of such  
 251 personnel; and the names and locations of schools and day care  
 252 facilities attended by the children of such personnel are exempt  
 253 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
 254 if the personnel have made reasonable efforts to protect such  
 255 information from being accessible through other means available  
 256 to the public. This sub-subparagraph is subject to the Open  
 257 Government Sunset Review Act in accordance with s. 119.15 and  
 258 shall stand repealed on October 2, 2021, unless reviewed and  
 259 saved from repeal through reenactment by the Legislature.

260 3. An agency that is the custodian of the information

261 specified in subparagraph 2. and that is not the employer of the  
262 officer, employee, justice, judge, or other person specified in  
263 subparagraph 2. shall maintain the exempt status of that  
264 information only if the officer, employee, justice, judge, other  
265 person, or employing agency of the designated employee submits a  
266 written request for maintenance of the exemption to the  
267 custodial agency.

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

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

276 Section 2. (1) The Legislature finds that it is a public  
277 necessity that the following identifying and location  
278 information be exempt from s. 119.07(1), Florida Statutes, and  
279 s. 24(a), Article I of the State Constitution, if the personnel  
280 have made reasonable efforts to protect such information from  
281 being accessible through other means available to the public:

282 (a) The home addresses, telephone numbers, dates of birth,  
283 and photographs of current or former personnel employed in an  
284 agency's office of inspector general or internal audit  
285 department whose duties include auditing or investigating waste,  
286 fraud, abuse, theft, exploitation, or other activities that

287 could lead to criminal prosecution or administrative discipline;

288 (b) The names, home addresses, telephone numbers, dates of  
289 birth, and places of employment of spouses and children of such  
290 personnel; and

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

293 (2) The Legislature finds that the release of such  
294 identifying and location information might place such personnel  
295 and their family members in danger of physical and emotional  
296 harm from disgruntled individuals who may react inappropriately  
297 to investigations, audits, and other actions carried out by such  
298 personnel, or to scrutiny of their business or professional  
299 practices. Audits and investigations done by such personnel can  
300 lead to employment termination, wage garnishment, and criminal  
301 prosecution, and persons under such audits and investigations  
302 have threatened such personnel, which resulted in an agency's  
303 having to heighten security by posting pictures of individuals  
304 who have made threats against such personnel, installing  
305 security cameras, and involving law enforcement. As a result,  
306 such personnel and their family members may become targets for  
307 acts of revenge by those who are investigated or audited. The  
308 risk continues after such personnel leave employment as a  
309 disgruntled individual may wait to commit an act of revenge  
310 until the employment of such personnel ends. The Legislature  
311 further finds that the harm that may result from the release of  
312 such personal identifying and location information outweighs any

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313 | public benefit that may be derived from the disclosure of the  
314 | information.

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