

By Senator Hutson

6-00524-16

2016592\_\_

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 the personal identifying and  
5       location information of certain nonsworn investigative  
6       personnel of the Department of Financial Services and  
7       the names and personal identifying and location  
8       information of the spouses and children of such  
9       personnel; providing for future review and repeal of  
10      the exemption; providing a statement of public  
11      necessity; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
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

6-00524-16

2016592\_\_

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 (IV) The home addresses, telephone numbers, social security  
51 numbers, dates of birth, and photographs of nonsworn  
52 investigative personnel of the Department of Financial Services  
53 whose duties include the investigation of fraud, theft, workers'  
54 compensation coverage requirements and compliance, other  
55 criminal activities, or state regulatory requirement violations;  
56 the names, home addresses, telephone numbers, social security  
57 numbers, photographs, dates of birth, and places of employment  
58 of the spouses and children of such personnel; and the names and

6-00524-16

2016592\_\_

59 locations of schools and child care facilities attended by the  
60 children of such personnel are exempt from s. 119.07(1) and s.  
61 24(a), Art. I of the State Constitution. This sub-sub-  
62 subparagraph is subject to the Open Government Sunset Review Act  
63 in accordance with s. 119.15 and shall stand repealed on October  
64 2, 2021, unless reviewed and saved from repeal through  
65 reenactment by the Legislature.

66 b. The home addresses, telephone numbers, dates of birth,  
67 and photographs of firefighters certified in compliance with s.  
68 633.408; the home addresses, telephone numbers, photographs,  
69 dates of birth, and places of employment of the spouses and  
70 children of such firefighters; and the names and locations of  
71 schools and day care facilities attended by the children of such  
72 firefighters are exempt from s. 119.07(1).

73 c. The home addresses, dates of birth, and telephone  
74 numbers of current or former justices of the Supreme Court,  
75 district court of appeal judges, circuit court judges, and  
76 county court judges; the home addresses, telephone numbers,  
77 dates of birth, and places of employment of the spouses and  
78 children of current or former justices and judges; and the names  
79 and locations of schools and day care facilities attended by the  
80 children of current or former justices and judges are exempt  
81 from s. 119.07(1).

82 d.(I) The home addresses, telephone numbers, social  
83 security numbers, dates of birth, and photographs of current or  
84 former state attorneys, assistant state attorneys, statewide  
85 prosecutors, or assistant statewide prosecutors; the home  
86 addresses, telephone numbers, social security numbers,  
87 photographs, dates of birth, and places of employment of the

6-00524-16

2016592\_\_

88 spouses and children of current or former state attorneys,  
89 assistant state attorneys, statewide prosecutors, or assistant  
90 statewide prosecutors; and the names and locations of schools  
91 and day care facilities attended by the children of current or  
92 former state attorneys, assistant state attorneys, statewide  
93 prosecutors, or assistant statewide prosecutors are exempt from  
94 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

103 e. The home addresses, dates of birth, and telephone  
104 numbers of general magistrates, special magistrates, judges of  
105 compensation claims, administrative law judges of the Division  
106 of Administrative Hearings, and child support enforcement  
107 hearing officers; the home addresses, telephone numbers, dates  
108 of birth, and places of employment of the spouses and children  
109 of general magistrates, special magistrates, judges of  
110 compensation claims, administrative law judges of the Division  
111 of Administrative Hearings, and child support enforcement  
112 hearing officers; and the names and locations of schools and day  
113 care facilities attended by the children of general magistrates,  
114 special magistrates, judges of compensation claims,  
115 administrative law judges of the Division of Administrative  
116 Hearings, and child support enforcement hearing officers are

6-00524-16

2016592\_\_

117 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
118 Constitution if the general magistrate, special magistrate,  
119 judge of compensation claims, administrative law judge of the  
120 Division of Administrative Hearings, or child support hearing  
121 officer provides a written statement that the general  
122 magistrate, special magistrate, judge of compensation claims,  
123 administrative law judge of the Division of Administrative  
124 Hearings, or child support hearing officer has made reasonable  
125 efforts to protect such information from being accessible  
126 through other means available to the public.

127 f. The home addresses, telephone numbers, dates of birth,  
128 and photographs of current or former human resource, labor  
129 relations, or employee relations directors, assistant directors,  
130 managers, or assistant managers of any local government agency  
131 or water management district whose duties include hiring and  
132 firing employees, labor contract negotiation, administration, or  
133 other personnel-related duties; the names, home addresses,  
134 telephone numbers, dates of birth, and places of employment of  
135 the spouses and children of such personnel; and the names and  
136 locations of schools and day care facilities attended by the  
137 children of such personnel are exempt from s. 119.07(1) and s.  
138 24(a), Art. I of the State Constitution.

139 g. The home addresses, telephone numbers, dates of birth,  
140 and photographs of current or former code enforcement officers;  
141 the names, home addresses, telephone numbers, dates of birth,  
142 and places of employment of the spouses and children of such  
143 personnel; and the names and locations of schools and day care  
144 facilities attended by the children of such personnel are exempt  
145 from s. 119.07(1) and s. 24(a), Art. I of the State

6-00524-16

2016592\_\_

146 Constitution.

147 h. The home addresses, telephone numbers, places of  
148 employment, dates of birth, and photographs of current or former  
149 guardians ad litem, as defined in s. 39.820; the names, home  
150 addresses, telephone numbers, dates of birth, and places of  
151 employment of the spouses and children of such persons; and the  
152 names and locations of schools and day care facilities attended  
153 by the children of such persons are exempt from s. 119.07(1) and  
154 s. 24(a), Art. I of the State Constitution, if the guardian ad  
155 litem provides a written statement that the guardian ad litem  
156 has made reasonable efforts to protect such information from  
157 being accessible through other means available to the public.

158 i. The home addresses, telephone numbers, dates of birth,  
159 and photographs of current or former juvenile probation  
160 officers, juvenile probation supervisors, detention  
161 superintendents, assistant detention superintendents, juvenile  
162 justice detention officers I and II, juvenile justice detention  
163 officer supervisors, juvenile justice residential officers,  
164 juvenile justice residential officer supervisors I and II,  
165 juvenile justice counselors, juvenile justice counselor  
166 supervisors, human services counselor administrators, senior  
167 human services counselor administrators, rehabilitation  
168 therapists, and social services counselors of the Department of  
169 Juvenile Justice; the names, home addresses, telephone numbers,  
170 dates of birth, and places of employment of spouses and children  
171 of such personnel; and the names and locations of schools and  
172 day care facilities attended by the children of such personnel  
173 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
174 Constitution.

6-00524-16

2016592\_\_

175 j.(I) The home addresses, telephone numbers, dates of  
176 birth, and photographs of current or former public defenders,  
177 assistant public defenders, criminal conflict and civil regional  
178 counsel, and assistant criminal conflict and civil regional  
179 counsel; the home addresses, telephone numbers, dates of birth,  
180 and places of employment of the spouses and children of such  
181 defenders or counsel; and the names and locations of schools and  
182 day care facilities attended by the children of such defenders  
183 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
184 the State Constitution.

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

192 k. The home addresses, telephone numbers, and photographs  
193 of current or former investigators or inspectors of the  
194 Department of Business and Professional Regulation; the names,  
195 home addresses, telephone numbers, and places of employment of  
196 the spouses and children of such current or former investigators  
197 and inspectors; and the names and locations of schools and day  
198 care facilities attended by the children of such current or  
199 former investigators and inspectors are exempt from s. 119.07(1)  
200 and s. 24(a), Art. I of the State Constitution if the  
201 investigator or inspector has made reasonable efforts to protect  
202 such information from being accessible through other means  
203 available to the public. This sub-subparagraph is subject to the

6-00524-16

2016592\_\_

204 Open Government Sunset Review Act in accordance with s. 119.15  
205 and shall stand repealed on October 2, 2017, unless reviewed and  
206 saved from repeal through reenactment by the Legislature.

207 1. The home addresses and telephone numbers of county tax  
208 collectors; the names, home addresses, telephone numbers, and  
209 places of employment of the spouses and children of such tax  
210 collectors; and the names and locations of schools and day care  
211 facilities attended by the children of such tax collectors are  
212 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
213 Constitution if the county tax collector has made reasonable  
214 efforts to protect such information from being accessible  
215 through other means available to the public. This sub-  
216 subparagraph is subject to the Open Government Sunset Review Act  
217 in accordance with s. 119.15 and shall stand repealed on October  
218 2, 2017, unless reviewed and saved from repeal through  
219 reenactment by the Legislature.

220 m. The home addresses, telephone numbers, dates of birth,  
221 and photographs of current or former personnel of the Department  
222 of Health whose duties include, or result in, the determination  
223 or adjudication of eligibility for social security disability  
224 benefits, the investigation or prosecution of complaints filed  
225 against health care practitioners, or the inspection of health  
226 care practitioners or health care facilities licensed by the  
227 Department of Health; the names, home addresses, telephone  
228 numbers, dates of birth, and places of employment of the spouses  
229 and children of such personnel; and the names and locations of  
230 schools and day care facilities attended by the children of such  
231 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
232 the State Constitution if the personnel have made reasonable



6-00524-16

2016592\_\_

233 efforts to protect such information from being accessible  
234 through other means available to the public. This sub-  
235 subparagraph is subject to the Open Government Sunset Review Act  
236 in accordance with s. 119.15 and shall stand repealed on October  
237 2, 2019, unless reviewed and saved from repeal through  
238 reenactment by the Legislature.

239 n. The home addresses, telephone numbers, dates of birth,  
240 and photographs of current or former impaired practitioner  
241 consultants who are retained by an agency or current or former  
242 employees of an impaired practitioner consultant whose duties  
243 result in a determination of a person's skill and safety to  
244 practice a licensed profession; the names, home addresses,  
245 telephone numbers, dates of birth, and places of employment of  
246 the spouses and children of such consultants or their employees;  
247 and the names and locations of schools and day care facilities  
248 attended by the children of such consultants or employees are  
249 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
250 Constitution if a consultant or employee has made reasonable  
251 efforts to protect such information from being accessible  
252 through other means available to the public. This sub-  
253 subparagraph is subject to the Open Government Sunset Review Act  
254 in accordance with s. 119.15 and shall stand repealed on October  
255 2, 2020, 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

6-00524-16

2016592\_\_

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. The Legislature finds that it is a public  
274 necessity to exempt from public records requirements the home  
275 addresses, telephone numbers, social security numbers, dates of  
276 birth, and photographs of nonsworn investigative personnel of  
277 the Department of Financial Services whose duties include, or  
278 result in, a determination or adjudication of public assistance  
279 fraud, insurance fraud, failure to comply with workers'  
280 compensation law requirements, failure to comply with licensure  
281 or registration requirements for industries regulated by the  
282 department, and other instances of administrative and criminal  
283 misconduct; the names, home addresses, telephone numbers, social  
284 security numbers, photographs, dates of birth, and places of  
285 employment of the spouses and children of such personnel; and  
286 the names and locations of schools and child care facilities  
287 attended by the children of such personnel. The Legislature  
288 finds that the release of such personal identifying and location  
289 information might place these nonsworn investigative personnel  
290 of the department and their family members in danger of physical

6-00524-16

2016592\_\_

291 and emotional harm from disgruntled individuals who have  
292 contentious reactions to actions taken by such personnel, or  
293 whose business or professional practices have come under the  
294 scrutiny of such personnel. The Legislature further finds that  
295 the harm that may result from the release of such personal  
296 identifying and location information outweighs any public  
297 benefit that may be derived from the disclosure of the  
298 information.

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