



174386

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
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	.	
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The Committee on Rules (Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(4) AGENCY PERSONNEL INFORMATION.—

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



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12 telephone numbers, personal pager telephone numbers, and
13 telephone numbers associated with personal communications
14 devices.

15 2.a.(I) The home addresses, telephone numbers, social
16 security numbers, dates of birth, and photographs of active or
17 former sworn or civilian law enforcement personnel, including
18 correctional and correctional probation officers, personnel of
19 the Department of Children and Families whose duties include the
20 investigation of abuse, neglect, exploitation, fraud, theft, or
21 other criminal activities, personnel of the Department of Health
22 whose duties are to support the investigation of child abuse or
23 neglect, and personnel of the Department of Revenue or local
24 governments whose responsibilities include revenue collection
25 and enforcement or child support enforcement; the home
26 addresses, telephone numbers, social security numbers,
27 photographs, dates of birth, and places of employment of the
28 spouses and children of such personnel; and the names and
29 locations of schools and day care facilities attended by the
30 children of such personnel are exempt from s. 119.07(1).

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

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38 shall stand repealed on October 2, 2018, unless reviewed and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

40 b. The home addresses, telephone numbers, dates of birth,



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41 and photographs of firefighters certified in compliance with s.
42 633.408; the home addresses, telephone numbers, photographs,
43 dates of birth, and places of employment of the spouses and
44 children of such firefighters; and the names and locations of
45 schools and day care facilities attended by the children of such
46 firefighters are exempt from s. 119.07(1).

47 c. The home addresses, dates of birth, and telephone
48 numbers of current or former justices of the Supreme Court,
49 district court of appeal judges, circuit court judges, and
50 county court judges; the home addresses, telephone numbers,
51 dates of birth, and places of employment of the spouses and
52 children of current or former justices and judges; and the names
53 and locations of schools and day care facilities attended by the
54 children of current or former justices and judges are exempt
55 from s. 119.07(1).

56 d.(I) The home addresses, telephone numbers, social
57 security numbers, dates of birth, and photographs of current or
58 former state attorneys, assistant state attorneys, statewide
59 prosecutors, or assistant statewide prosecutors; the home
60 addresses, telephone numbers, social security numbers,
61 photographs, dates of birth, and places of employment of the
62 spouses and children of current or former state attorneys,
63 assistant state attorneys, statewide prosecutors, or assistant
64 statewide prosecutors; and the names and locations of schools
65 and day care facilities attended by the children of current or
66 former state attorneys, assistant state attorneys, statewide
67 prosecutors, or assistant statewide prosecutors are exempt from
68 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

69 (II) The names of the spouses and children of current or



70 former state attorneys, assistant state attorneys, statewide
71 prosecutors, or assistant statewide prosecutors are exempt from
72 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

77 e. The home addresses, dates of birth, and telephone
78 numbers of general magistrates, special magistrates, judges of
79 compensation claims, administrative law judges of the Division
80 of Administrative Hearings, and child support enforcement
81 hearing officers; the home addresses, telephone numbers, dates
82 of birth, and places of employment of the spouses and children
83 of general magistrates, special magistrates, judges of
84 compensation claims, administrative law judges of the Division
85 of Administrative Hearings, and child support enforcement
86 hearing officers; and the names and locations of schools and day
87 care facilities attended by the children of general magistrates,
88 special magistrates, judges of compensation claims,
89 administrative law judges of the Division of Administrative
90 Hearings, and child support enforcement hearing officers are
91 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
92 Constitution if the general magistrate, special magistrate,
93 judge of compensation claims, administrative law judge of the
94 Division of Administrative Hearings, or child support hearing
95 officer provides a written statement that the general
96 magistrate, special magistrate, judge of compensation claims,
97 administrative law judge of the Division of Administrative
98 Hearings, or child support hearing officer has made reasonable



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99 efforts to protect such information from being accessible
100 through other means available to the public.

101 f. The home addresses, telephone numbers, dates of birth,
102 and photographs of current or former human resource, labor
103 relations, or employee relations directors, assistant directors,
104 managers, or assistant managers of any local government agency
105 or water management district whose duties include hiring and
106 firing employees, labor contract negotiation, administration, or
107 other personnel-related duties; the names, home addresses,
108 telephone numbers, dates of birth, and places of employment of
109 the spouses and children of such personnel; and the names and
110 locations of schools and day care facilities attended by the
111 children of such personnel are exempt from s. 119.07(1) and s.
112 24(a), Art. I of the State Constitution.

113 g. The home addresses, telephone numbers, dates of birth,
114 and photographs of current or former code enforcement officers;
115 the names, home addresses, telephone numbers, dates of birth,
116 and places of employment of the spouses and children of such
117 personnel; and the names and locations of schools and day care
118 facilities attended by the children of such personnel are exempt
119 from s. 119.07(1) and s. 24(a), Art. I of the State
120 Constitution.

121 h. The home addresses, telephone numbers, places of
122 employment, dates of birth, and photographs of current or former
123 guardians ad litem, as defined in s. 39.820; the names, home
124 addresses, telephone numbers, dates of birth, and places of
125 employment of the spouses and children of such persons; and the
126 names and locations of schools and day care facilities attended
127 by the children of such persons are exempt from s. 119.07(1) and



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128 s. 24(a), Art. I of the State Constitution, if the guardian ad
129 litem provides a written statement that the guardian ad litem
130 has made reasonable efforts to protect such information from
131 being accessible through other means available to the public.

132 i. The home addresses, telephone numbers, dates of birth,
133 and photographs of current or former juvenile probation
134 officers, juvenile probation supervisors, detention
135 superintendents, assistant detention superintendents, juvenile
136 justice detention officers I and II, juvenile justice detention
137 officer supervisors, juvenile justice residential officers,
138 juvenile justice residential officer supervisors I and II,
139 juvenile justice counselors, juvenile justice counselor
140 supervisors, human services counselor administrators, senior
141 human services counselor administrators, rehabilitation
142 therapists, and social services counselors of the Department of
143 Juvenile Justice; the names, home addresses, telephone numbers,
144 dates of birth, and places of employment of spouses and children
145 of such personnel; and the names and locations of schools and
146 day care facilities attended by the children of such personnel
147 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
148 Constitution.

149 j.(I) The home addresses, telephone numbers, dates of
150 birth, and photographs of current or former public defenders,
151 assistant public defenders, criminal conflict and civil regional
152 counsel, and assistant criminal conflict and civil regional
153 counsel; the home addresses, telephone numbers, dates of birth,
154 and places of employment of the spouses and children of such
155 defenders or counsel; and the names and locations of schools and
156 day care facilities attended by the children of such defenders



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

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

166 k. The home addresses, telephone numbers, and photographs
167 of current or former investigators or inspectors of the
168 Department of Business and Professional Regulation; the names,
169 home addresses, telephone numbers, and places of employment of
170 the spouses and children of such current or former investigators
171 and inspectors; and the names and locations of schools and day
172 care facilities attended by the children of such current or
173 former investigators and inspectors are exempt from s. 119.07(1)
174 and s. 24(a), Art. I of the State Constitution if the
175 investigator or inspector has made reasonable efforts to protect
176 such information from being accessible through other means
177 available to the public. This 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, 2017, unless reviewed and
180 saved from repeal through reenactment by the Legislature.

181 l. The home addresses and telephone numbers of county tax
182 collectors; the names, home addresses, telephone numbers, and
183 places of employment of the spouses and children of such tax
184 collectors; and the names and locations of schools and day care
185 facilities attended by the children of such tax collectors are



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186 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
187 Constitution if the county tax collector has made reasonable
188 efforts to protect such information from being accessible
189 through other means available to the public. This sub-
190 subparagraph is subject to the Open Government Sunset Review Act
191 in accordance with s. 119.15 and shall stand repealed on October
192 2, 2017, unless reviewed and saved from repeal through
193 reenactment by the Legislature.

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

213 n. The home addresses, telephone numbers, dates of birth,
214 and photographs of current or former impaired practitioner



215 consultants who are retained by an agency or current or former
216 employees of an impaired practitioner consultant whose duties
217 result in a determination of a person's skill and safety to
218 practice a licensed profession; the names, home addresses,
219 telephone numbers, dates of birth, and places of employment of
220 the spouses and children of such consultants or their employees;
221 and the names and locations of schools and day care facilities
222 attended by the children of such consultants or employees are
223 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
224 Constitution if a consultant or employee has made reasonable
225 efforts to protect such information from being accessible
226 through other means available to the public. This sub-
227 subparagraph is subject to the Open Government Sunset Review Act
228 in accordance with s. 119.15 and shall stand repealed on October
229 2, 2020, unless reviewed and saved from repeal through
230 reenactment by the Legislature.

231 o. The home addresses, telephone numbers, dates of birth,
232 and photographs of current or former personnel employed in an
233 agency's office of inspector general or internal audit
234 department whose duties include auditing or investigating waste,
235 fraud, abuse, theft, exploitation, or other activities that
236 could lead to criminal prosecution or administrative discipline;
237 the names, home addresses, telephone numbers, dates of birth,
238 and places of employment of spouses and children of such
239 personnel; and the names and locations of schools and day care
240 facilities attended by the children of such personnel are exempt
241 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
242 if the personnel have made reasonable efforts to protect such
243 information from being accessible through other means available



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244 to the public. This sub-subparagraph is subject to the Open
245 Government Sunset Review Act in accordance with s. 119.15 and
246 shall stand repealed on October 2, 2021, unless reviewed and
247 saved from repeal through reenactment by the Legislature.

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

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

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

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

270 (a) The home addresses, telephone numbers, dates of birth,
271 and photographs of current or former personnel employed in an
272 agency's office of inspector general or internal audit



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273 department whose duties include auditing or investigating waste,
274 fraud, abuse, theft, exploitation, or other activities that
275 could lead to criminal prosecution or administrative discipline;

276 (b) The names, home addresses, telephone numbers, dates of
277 birth, and places of employment of spouses and children of such
278 personnel; and

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

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



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302 information.

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

304

305 ===== T I T L E A M E N D M E N T =====

306 And the title is amended as follows:

307 Delete everything before the enacting clause

308 and insert:

309 A bill to be entitled

310 An act relating to public records; amending s.

311 119.071, F.S.; providing an exemption from public

312 records requirements for certain identifying and

313 location information of current or former personnel

314 employed in an agency's office of inspector general or

315 internal audit department whose duties include

316 auditing or investigating certain activities that

317 could lead to criminal prosecution or administrative

318 discipline, and the spouses and children thereof;

319 providing for future legislative review and repeal of

320 the exemption; providing a statement of public

321 necessity; providing an effective date.