

By Senator Rouson

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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 business e-mail addresses of  
5       current justices and judges; providing for future  
6       legislative review and repeal of the exemption;  
7       providing a statement of public necessity; providing  
8       an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12       Section 1. Paragraph (d) of subsection (4) of section  
13       119.071, Florida Statutes, is amended to read:

14       119.071 General exemptions from inspection or copying of  
15       public records.—

16       (4) AGENCY PERSONNEL INFORMATION.—

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

22       2.a.(I) The home addresses, telephone numbers, social  
23       security numbers, dates of birth, and photographs of active or  
24       former sworn or civilian law enforcement personnel, including  
25       correctional and correctional probation officers, personnel of  
26       the Department of Children and Families whose duties include the  
27       investigation of abuse, neglect, exploitation, fraud, theft, or  
28       other criminal activities, personnel of the Department of Health  
29       whose duties are to support the investigation of child abuse or

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30 neglect, and personnel of the Department of Revenue or local  
31 governments whose responsibilities include revenue collection  
32 and enforcement or child support enforcement; the home  
33 addresses, telephone numbers, social security numbers,  
34 photographs, dates of birth, and places of employment of the  
35 spouses and children of such personnel; and the names and  
36 locations of schools and day care facilities attended by the  
37 children of such personnel are exempt from s. 119.07(1).

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

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

47 (IV) The home addresses, telephone numbers, dates of birth,  
48 and photographs of current or former nonsworn investigative  
49 personnel of the Department of Financial Services whose duties  
50 include the investigation of fraud, theft, workers' compensation  
51 coverage requirements and compliance, other related criminal  
52 activities, or state regulatory requirement violations; the  
53 names, home addresses, telephone numbers, dates of birth, and  
54 places of employment of the spouses and children of such  
55 personnel; and the names and locations of schools and day care  
56 facilities attended by the children of such personnel are exempt  
57 from s. 119.07(1) and s. 24(a), Art. I of the State  
58 Constitution. This sub-sub-subparagraph is subject to the Open

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59 Government Sunset Review Act in accordance with s. 119.15 and  
60 shall stand repealed on October 2, 2021, unless reviewed and  
61 saved from repeal through reenactment by the Legislature.

62 b. The home addresses, telephone numbers, dates of birth,  
63 and photographs of firefighters certified in compliance with s.  
64 633.408; the home addresses, telephone numbers, photographs,  
65 dates of birth, and places of employment of the spouses and  
66 children of such firefighters; and the names and locations of  
67 schools and day care facilities attended by the children of such  
68 firefighters are exempt from s. 119.07(1).

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

78 (II) The business e-mail addresses of current justices of  
79 the Supreme Court, district court of appeal judges, circuit  
80 court judges, and county court judges. This sub-sub-subparagraph  
81 is subject to the Open Government Sunset Review Act in  
82 accordance with s. 119.15 and shall stand repealed on October 2,  
83 2022, unless reviewed and saved from repeal through reenactment  
84 by the Legislature.

85 d. (I) The home addresses, telephone numbers, social  
86 security numbers, dates of birth, and photographs of current or  
87 former state attorneys, assistant state attorneys, statewide

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88 prosecutors, or assistant statewide prosecutors; the home  
89 addresses, telephone numbers, social security numbers,  
90 photographs, dates of birth, and places of employment of the  
91 spouses and children of current or former state attorneys,  
92 assistant state attorneys, statewide prosecutors, or assistant  
93 statewide prosecutors; and the names and locations of schools  
94 and day care facilities attended by the children of current or  
95 former state attorneys, assistant state attorneys, statewide  
96 prosecutors, or assistant statewide prosecutors are exempt from  
97 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

130 f. The home addresses, telephone numbers, dates of birth,  
131 and photographs of current or former human resource, labor  
132 relations, or employee relations directors, assistant directors,  
133 managers, or assistant managers of any local government agency  
134 or water management district whose duties include hiring and  
135 firing employees, labor contract negotiation, administration, or  
136 other personnel-related duties; the names, home addresses,  
137 telephone numbers, dates of birth, and places of employment of  
138 the spouses and children of such personnel; and the names and  
139 locations of schools and day care facilities attended by the  
140 children of such personnel are exempt from s. 119.07(1) and s.  
141 24(a), Art. I of the State Constitution.

142 g. The home addresses, telephone numbers, dates of birth,  
143 and photographs of current or former code enforcement officers;  
144 the names, home addresses, telephone numbers, dates of birth,  
145 and places of employment of the spouses and children of such

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146 personnel; and the names and locations of schools and day care  
147 facilities attended by the children of such personnel are exempt  
148 from s. 119.07(1) and s. 24(a), Art. I of the State  
149 Constitution.

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

161 i. The home addresses, telephone numbers, dates of birth,  
162 and photographs of current or former juvenile probation  
163 officers, juvenile probation supervisors, detention  
164 superintendents, assistant detention superintendents, juvenile  
165 justice detention officers I and II, juvenile justice detention  
166 officer supervisors, juvenile justice residential officers,  
167 juvenile justice residential officer supervisors I and II,  
168 juvenile justice counselors, juvenile justice counselor  
169 supervisors, human services counselor administrators, senior  
170 human services counselor administrators, rehabilitation  
171 therapists, and social services counselors of the Department of  
172 Juvenile Justice; the names, home addresses, telephone numbers,  
173 dates of birth, and places of employment of spouses and children  
174 of such personnel; and the names and locations of schools and

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175 day care facilities attended by the children of such personnel  
176 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
177 Constitution.

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

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

195 k. The home addresses, telephone numbers, and photographs  
196 of current or former investigators or inspectors of the  
197 Department of Business and Professional Regulation; the names,  
198 home addresses, telephone numbers, and places of employment of  
199 the spouses and children of such current or former investigators  
200 and inspectors; and the names and locations of schools and day  
201 care facilities attended by the children of such current or  
202 former investigators and inspectors are exempt from s. 119.07(1)  
203 and s. 24(a), Art. I of the State Constitution if the

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204 investigator or inspector has made reasonable efforts to protect  
205 such information from being accessible through other means  
206 available to the public. This sub-subparagraph is subject to the  
207 Open Government Sunset Review Act in accordance with s. 119.15  
208 and shall stand repealed on October 2, 2017, unless reviewed and  
209 saved from repeal through reenactment by the Legislature.

210 1. The home addresses and telephone numbers of county tax  
211 collectors; the names, home addresses, telephone numbers, and  
212 places of employment of the spouses and children of such tax  
213 collectors; and the names and locations of schools and day care  
214 facilities attended by the children of such tax collectors are  
215 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
216 Constitution if the county tax collector has 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, 2017, unless reviewed and saved from repeal through  
222 reenactment by the Legislature.

223 m. The home addresses, telephone numbers, dates of birth,  
224 and photographs of current or former personnel of the Department  
225 of Health whose duties include, or result in, the determination  
226 or adjudication of eligibility for social security disability  
227 benefits, the investigation or prosecution of complaints filed  
228 against health care practitioners, or the inspection of health  
229 care practitioners or health care facilities licensed by the  
230 Department of Health; the names, home addresses, telephone  
231 numbers, dates of birth, and places of employment of the spouses  
232 and children of such personnel; and the names and locations of



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233 schools and day care facilities attended by the children of such  
234 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
235 the State Constitution if the personnel have made reasonable  
236 efforts to protect such information from being accessible  
237 through other means available to the public. This sub-  
238 subparagraph is subject to the Open Government Sunset Review Act  
239 in accordance with s. 119.15 and shall stand repealed on October  
240 2, 2019, unless reviewed and saved from repeal through  
241 reenactment by the Legislature.

242       n. The home addresses, telephone numbers, dates of birth,  
243 and photographs of current or former impaired practitioner  
244 consultants who are retained by an agency or current or former  
245 employees of an impaired practitioner consultant whose duties  
246 result in a determination of a person's skill and safety to  
247 practice a licensed profession; the names, home addresses,  
248 telephone numbers, dates of birth, and places of employment of  
249 the spouses and children of such consultants or their employees;  
250 and the names and locations of schools and day care facilities  
251 attended by the children of such consultants or employees are  
252 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
253 Constitution if a consultant or employee has made reasonable  
254 efforts to protect such information from being accessible  
255 through other means available to the public. This sub-  
256 subparagraph is subject to the Open Government Sunset Review Act  
257 in accordance with s. 119.15 and shall stand repealed on October  
258 2, 2020, unless reviewed and saved from repeal through  
259 reenactment by the Legislature.

260       o. The home addresses, telephone numbers, dates of birth,  
261 and photographs of current or former emergency medical

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262 technicians or paramedics certified under chapter 401; the  
263 names, home addresses, telephone numbers, dates of birth, and  
264 places of employment of the spouses and children of such  
265 emergency medical technicians or paramedics; and the names and  
266 locations of schools and day care facilities attended by the  
267 children of such emergency medical technicians or paramedics are  
268 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
269 Constitution if the emergency medical technicians or paramedics  
270 have made reasonable efforts to protect such information from  
271 being accessible through other means available to the public.  
272 This sub-subparagraph is subject to the Open Government Sunset  
273 Review Act in accordance with s. 119.15 and shall stand repealed  
274 on October 2, 2021, unless reviewed and saved from repeal  
275 through reenactment by the Legislature.

276 p. The home addresses, telephone numbers, dates of birth,  
277 and photographs of current or former personnel employed in an  
278 agency's office of inspector general or internal audit  
279 department whose duties include auditing or investigating waste,  
280 fraud, abuse, theft, exploitation, or other activities that  
281 could lead to criminal prosecution or administrative discipline;  
282 the names, home addresses, telephone numbers, dates of birth,  
283 and places of employment of spouses and children of such  
284 personnel; and the names and locations of schools and day care  
285 facilities attended by the children of such personnel are exempt  
286 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
287 if the personnel have made reasonable efforts to protect such  
288 information from being accessible through other means available  
289 to the public. This sub-subparagraph is subject to the Open  
290 Government Sunset Review Act in accordance with s. 119.15 and

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291 shall stand repealed on October 2, 2021, unless reviewed and  
292 saved from repeal through reenactment by the Legislature.

293 3. An agency that is the custodian of the information  
294 specified in subparagraph 2. and that is not the employer of the  
295 officer, employee, justice, judge, or other person specified in  
296 subparagraph 2. shall maintain the exempt status of that  
297 information only if the officer, employee, justice, judge, other  
298 person, or employing agency of the designated employee submits a  
299 written request for maintenance of the exemption to the  
300 custodial agency.

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

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

309 Section 2. The Legislature finds that it is a public  
310 necessity to exempt from public records requirements the  
311 business e-mail addresses of the current justices of the Supreme  
312 Court, district court of appeal judges, circuit court judges,  
313 and county court judges. Public release of such information  
314 could result in e-mails from the public or the parties in a case  
315 regarding that litigation being sent directly to justices or  
316 judges, which creates the risk of ex parte communications that  
317 could necessitate recusal or other action that may negatively  
318 affect judicial efficiency and court schedules. The Legislature  
319 further finds that the harm that may result from the release of

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320 such e-mail addresses outweighs any public benefit that may be  
321 derived from the disclosure of the information. If the justices  
322 and judges' business e-mail addresses are exempt from public  
323 records requirements, the public could still use e-mail to  
324 contact a justice or judge through his or her judicial  
325 assistant. In addition, the content of e-mails sent by justices  
326 or judges through their business e-mail addresses would remain  
327 public; only the business e-mail addresses would be exempt.

328 Section 3. This act shall take effect July 1, 2017.