

By Senator Passidomo

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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 certain identifying and
5 location information of current or former public
6 guardians and the spouses and children thereof;
7 providing for future legislative review and repeal of
8 the exemption; providing a statement of public
9 necessity; providing an effective date.

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

12
13 Section 1. Paragraph (d) of subsection (4) of section
14 119.071, Florida Statutes, is amended to read:

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

17 (4) AGENCY PERSONNEL INFORMATION.—

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

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

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33 and enforcement or child support enforcement; the home
34 addresses, telephone numbers, social security numbers,
35 photographs, dates of birth, and places of employment of the
36 spouses and children of such personnel; and the names and
37 locations of schools and day care facilities attended by the
38 children of such personnel are exempt from s. 119.07(1).

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

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46 shall stand repealed on October 2, 2018, unless reviewed and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

48 (IV) The home addresses, telephone numbers, dates of birth,
49 and photographs of current or former nonsworn investigative
50 personnel of the Department of Financial Services whose duties
51 include the investigation of fraud, theft, workers' compensation
52 coverage requirements and compliance, other related criminal
53 activities, or state regulatory requirement violations; the
54 names, home addresses, telephone numbers, dates of birth, and
55 places of employment of the spouses and children of such
56 personnel; and the names and locations of schools and day care
57 facilities attended by the children of such personnel are exempt
58 from s. 119.07(1) and s. 24(a), Art. I of the State
59 Constitution. This sub-sub-subparagraph is subject to the Open
60 Government Sunset Review Act in accordance with s. 119.15 and
61 shall stand repealed on October 2, 2021, unless reviewed and

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62 saved from repeal through reenactment by the Legislature.

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

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

79 d.(I) The home addresses, telephone numbers, social
80 security numbers, dates of birth, and photographs of current or
81 former state attorneys, assistant state attorneys, statewide
82 prosecutors, or assistant statewide prosecutors; the home
83 addresses, telephone numbers, social security numbers,
84 photographs, dates of birth, and places of employment of the
85 spouses and children of current or former state attorneys,
86 assistant state attorneys, statewide prosecutors, or assistant
87 statewide prosecutors; and the names and locations of schools
88 and day care facilities attended by the children of current or
89 former state attorneys, assistant state attorneys, statewide
90 prosecutors, or assistant statewide prosecutors are exempt from

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91 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

100 e. The home addresses, dates of birth, and telephone
101 numbers of general magistrates, special magistrates, judges of
102 compensation claims, administrative law judges of the Division
103 of Administrative Hearings, and child support enforcement
104 hearing officers; the home addresses, telephone numbers, dates
105 of birth, and places of employment of the spouses and children
106 of general magistrates, special magistrates, judges of
107 compensation claims, administrative law judges of the Division
108 of Administrative Hearings, and child support enforcement
109 hearing officers; and the names and locations of schools and day
110 care facilities attended by the children of general magistrates,
111 special magistrates, judges of compensation claims,
112 administrative law judges of the Division of Administrative
113 Hearings, and child support enforcement hearing officers are
114 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
115 Constitution if the general magistrate, special magistrate,
116 judge of compensation claims, administrative law judge of the
117 Division of Administrative Hearings, or child support hearing
118 officer provides a written statement that the general
119 magistrate, special magistrate, judge of compensation claims,

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120 administrative law judge of the Division of Administrative
121 Hearings, or child support hearing officer has made reasonable
122 efforts to protect such information from being accessible
123 through other means available to the public.

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

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

144 h. The home addresses, telephone numbers, places of
145 employment, dates of birth, and photographs of current or former
146 guardians ad litem, as defined in s. 39.820; the names, home
147 addresses, telephone numbers, dates of birth, and places of
148 employment of the spouses and children of such persons; and the

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149 names and locations of schools and day care facilities attended
150 by the children of such persons are exempt from s. 119.07(1) and
151 s. 24(a), Art. I of the State Constitution, if the guardian ad
152 litem provides a written statement that the guardian ad litem
153 has made reasonable efforts to protect such information from
154 being accessible through other means available to the public.

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

172 j.(I) The home addresses, telephone numbers, dates of
173 birth, and photographs of current or former public defenders,
174 assistant public defenders, criminal conflict and civil regional
175 counsel, and assistant criminal conflict and civil regional
176 counsel; the home addresses, telephone numbers, dates of birth,
177 and places of employment of the spouses and children of such

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178 defenders or counsel; and the names and locations of schools and
179 day care facilities attended by the children of such defenders
180 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
181 the State Constitution.

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

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

204 1. The home addresses and telephone numbers of county tax
205 collectors; the names, home addresses, telephone numbers, and
206 places of employment of the spouses and children of such tax

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

217 m. The home addresses, telephone numbers, dates of birth,
218 and photographs of current or former personnel of the Department
219 of Health whose duties include, or result in, the determination
220 or adjudication of eligibility for social security disability
221 benefits, the investigation or prosecution of complaints filed
222 against health care practitioners, or the inspection of health
223 care practitioners or health care facilities licensed by the
224 Department of Health; the names, home addresses, telephone
225 numbers, dates of birth, and places of employment of the spouses
226 and children of such personnel; and the names and locations of
227 schools and day care facilities attended by the children of such
228 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
229 the State Constitution if the personnel have made reasonable
230 efforts to protect such information from being accessible
231 through other means available to the public. This sub-
232 subparagraph is subject to the Open Government Sunset Review Act
233 in accordance with s. 119.15 and shall stand repealed on October
234 2, 2019, unless reviewed and saved from repeal through
235 reenactment by the Legislature.

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

254 o. The home addresses, telephone numbers, dates of birth,
255 and photographs of current or former emergency medical
256 technicians or paramedics certified under chapter 401; the
257 names, home addresses, telephone numbers, dates of birth, and
258 places of employment of the spouses and children of such
259 emergency medical technicians or paramedics; and the names and
260 locations of schools and day care facilities attended by the
261 children of such emergency medical technicians or paramedics are
262 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
263 Constitution if the emergency medical technicians or paramedics
264 have made reasonable efforts to protect such information from

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265 being accessible through other means available to the public.
266 This sub-subparagraph is subject to the Open Government Sunset
267 Review Act in accordance with s. 119.15 and shall stand repealed
268 on October 2, 2021, unless reviewed and saved from repeal
269 through reenactment by the Legislature.

270 p. 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
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 the names, home addresses, telephone numbers, dates of birth,
277 and places of employment of spouses and children of such
278 personnel; and the names and locations of schools and day care
279 facilities attended by the children of such personnel are exempt
280 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
281 if the personnel have made reasonable efforts to protect such
282 information from being accessible through other means available
283 to the public. This sub-subparagraph is subject to the Open
284 Government Sunset Review Act in accordance with s. 119.15 and
285 shall stand repealed on October 2, 2021, unless reviewed and
286 saved from repeal through reenactment by the Legislature.

287 q. The home addresses, telephone numbers, dates of birth,
288 places of employment, and photographs of current or former
289 public guardians, as designated under chapter 744; the names,
290 home addresses, telephone numbers, dates of birth, and places of
291 employment of the spouses and children of such persons; and the
292 names and locations of schools and day care facilities attended
293 by the children of such persons are exempt from s. 119.07(1) and

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294 s. 24(a), Art. I of the State Constitution if the public
295 guardian provides a written statement that he or she has made
296 reasonable efforts to protect such information from being
297 accessible through other means available to the public. This
298 sub-subparagraph is subject to the Open Government Sunset Review
299 Act in accordance with s. 119.15 and shall stand repealed on
300 October 2, 2022, unless reviewed and saved from repeal through
301 reenactment by the Legislature.

302 3. An agency that is the custodian of the information
303 specified in subparagraph 2. and that is not the employer of the
304 officer, employee, justice, judge, or other person specified in
305 subparagraph 2. shall maintain the exempt status of that
306 information only if the officer, employee, justice, judge, other
307 person, or employing agency of the designated employee submits a
308 written request for maintenance of the exemption to the
309 custodial agency.

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

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

318 Section 2. (1) The Legislature finds that it is a public
319 necessity that the following identifying and location
320 information be exempt from s. 119.07(1), Florida Statutes, and
321 s. 24(a), Article I of the State Constitution if the public
322 guardian has made reasonable efforts to protect such information

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323 from being accessible through other means available to the
324 public:

325 (a) The home addresses, telephone numbers, dates of birth,
326 places of employment, and photographs of current or former
327 public guardians, as designated under chapter 744, Florida
328 Statutes;

329 (b) The names, home addresses, telephone numbers, dates of
330 birth, and places of employment of spouses and children of such
331 guardians; and

332 (c) The names and locations of schools and day care
333 facilities attended by the children of such guardians.

334 (2) The Legislature finds that the release of such
335 identifying and location information might place current or
336 former public guardians and their family members in danger of
337 physical and emotional harm from disgruntled individuals who may
338 react inappropriately to actions taken by public guardians.
339 Public guardians provide a valuable service to the community by
340 helping some of the state's most vulnerable residents. Public
341 guardians help those who lack a willing and qualified family
342 member or friend and do not have the income or assets to pay a
343 professional guardian. Despite the value of this service,
344 however, some persons may become disgruntled with the assistance
345 provided or the decisions a public guardian makes, which may
346 result in a guardian or their family members becoming a
347 potential target for an act of revenge. The risk continues after
348 a public guardian concludes his or her service because a
349 disgruntled individual may wait to commit an act of revenge
350 until the guardian concludes his or her service. The harm that
351 may result from the release of such personal identifying and

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352 location information outweighs any public benefit that may be
353 derived from the disclosure of the information.

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