

By Senator Broxson

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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 the personal identifying and
5 location information of certain nonsworn investigative
6 personnel of the Office of Financial Regulation 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
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

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

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63 shall stand repealed on October 2, 2021, unless reviewed and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

65 (V) The home addresses, telephone numbers, dates of birth,
66 and photographs of current or former nonsworn investigative
67 personnel of the Office of Financial Regulation's Bureau of
68 Financial Investigations whose duties include the investigation
69 of fraud, theft, other related criminal activities, or state
70 regulatory requirement violations; the names, home addresses,
71 telephone numbers, dates of birth, and places of employment of
72 the spouses and children of such personnel; and the names and
73 locations of schools and day care facilities attended by the
74 children of such personnel are exempt from s. 119.07(1) and s.
75 24(a), Art. I of the State Constitution. This sub-sub-
76 subparagraph is subject to the Open Government Sunset Review Act
77 in accordance with s. 119.15 and shall stand repealed on October
78 2, 2022, unless reviewed and saved from repeal through
79 reenactment by the Legislature.

80 b. The home addresses, telephone numbers, dates of birth,
81 and photographs of firefighters certified in compliance with s.
82 633.408; the home addresses, telephone numbers, photographs,
83 dates of birth, and places of employment of the spouses and
84 children of such firefighters; and the names and locations of
85 schools and day care facilities attended by the children of such
86 firefighters are exempt from s. 119.07(1).

87 c. The home addresses, dates of birth, and telephone
88 numbers of current or former justices of the Supreme Court,
89 district court of appeal judges, circuit court judges, and
90 county court judges; the home addresses, telephone numbers,

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91 dates of birth, and places of employment of the spouses and
92 children of current or former justices and judges; and the names
93 and locations of schools and day care facilities attended by the
94 children of current or former justices and judges are exempt
95 from s. 119.07(1).

96 d.(I) The home addresses, telephone numbers, social
97 security numbers, dates of birth, and photographs of current or
98 former state attorneys, assistant state attorneys, statewide
99 prosecutors, or assistant statewide prosecutors; the home
100 addresses, telephone numbers, social security numbers,
101 photographs, dates of birth, and places of employment of the
102 spouses and children of current or former state attorneys,
103 assistant state attorneys, statewide prosecutors, or assistant
104 statewide prosecutors; and the names and locations of schools
105 and day care facilities attended by the children of current or
106 former state attorneys, assistant state attorneys, statewide
107 prosecutors, or assistant statewide prosecutors are exempt from
108 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

117 e. The home addresses, dates of birth, and telephone
118 numbers of general magistrates, special magistrates, judges of
119 compensation claims, administrative law judges of the Division

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120 of Administrative Hearings, and child support enforcement
121 hearing officers; the home addresses, telephone numbers, dates
122 of birth, and places of employment of the spouses and children
123 of general magistrates, special magistrates, judges of
124 compensation claims, administrative law judges of the Division
125 of Administrative Hearings, and child support enforcement
126 hearing officers; and the names and locations of schools and day
127 care facilities attended by the children of general magistrates,
128 special magistrates, judges of compensation claims,
129 administrative law judges of the Division of Administrative
130 Hearings, and child support enforcement hearing officers are
131 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
132 Constitution if the general magistrate, special magistrate,
133 judge of compensation claims, administrative law judge of the
134 Division of Administrative Hearings, or child support hearing
135 officer provides a written statement that the general
136 magistrate, special magistrate, judge of compensation claims,
137 administrative law judge of the Division of Administrative
138 Hearings, or child support hearing officer has made reasonable
139 efforts to protect such information from being accessible
140 through other means available to the public.

141 f. The home addresses, telephone numbers, dates of birth,
142 and photographs of current or former human resource, labor
143 relations, or employee relations directors, assistant directors,
144 managers, or assistant managers of any local government agency
145 or water management district whose duties include hiring and
146 firing employees, labor contract negotiation, administration, or
147 other personnel-related duties; the names, home addresses,
148 telephone numbers, dates of birth, and places of employment of

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149 the spouses and children of such personnel; and the names and
150 locations of schools and day care facilities attended by the
151 children of such personnel are exempt from s. 119.07(1) and s.
152 24(a), Art. I of the State Constitution.

153 g. The home addresses, telephone numbers, dates of birth,
154 and photographs of current or former code enforcement officers;
155 the names, home addresses, telephone numbers, dates of birth,
156 and places of employment of the spouses and children of such
157 personnel; and the names and locations of schools and day care
158 facilities attended by the children of such personnel are exempt
159 from s. 119.07(1) and s. 24(a), Art. I of the State
160 Constitution.

161 h. The home addresses, telephone numbers, places of
162 employment, dates of birth, and photographs of current or former
163 guardians ad litem, as defined in s. 39.820; the names, home
164 addresses, telephone numbers, dates of birth, and places of
165 employment of the spouses and children of such persons; and the
166 names and locations of schools and day care facilities attended
167 by the children of such persons are exempt from s. 119.07(1) and
168 s. 24(a), Art. I of the State Constitution, if the guardian ad
169 litem provides a written statement that the guardian ad litem
170 has made reasonable efforts to protect such information from
171 being accessible through other means available to the public.

172 i. The home addresses, telephone numbers, dates of birth,
173 and photographs of current or former juvenile probation
174 officers, juvenile probation supervisors, detention
175 superintendents, assistant detention superintendents, juvenile
176 justice detention officers I and II, juvenile justice detention
177 officer supervisors, juvenile justice residential officers,

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178 juvenile justice residential officer supervisors I and II,
179 juvenile justice counselors, juvenile justice counselor
180 supervisors, human services counselor administrators, senior
181 human services counselor administrators, rehabilitation
182 therapists, and social services counselors of the Department of
183 Juvenile Justice; the names, home addresses, telephone numbers,
184 dates of birth, and places of employment of spouses and children
185 of such personnel; and the names and locations of schools and
186 day care facilities attended by the children of such personnel
187 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
188 Constitution.

189 j.(I) The home addresses, telephone numbers, dates of
190 birth, and photographs of current or former public defenders,
191 assistant public defenders, criminal conflict and civil regional
192 counsel, and assistant criminal conflict and civil regional
193 counsel; the home addresses, telephone numbers, dates of birth,
194 and places of employment of the spouses and children of such
195 defenders or counsel; and the names and locations of schools and
196 day care facilities attended by the children of such defenders
197 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
198 the State Constitution.

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

206 k. The home addresses, telephone numbers, and photographs

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

221 1. The home addresses and telephone numbers of county tax
222 collectors; the names, home addresses, telephone numbers, and
223 places of employment of the spouses and children of such tax
224 collectors; and the names and locations of schools and day care
225 facilities attended by the children of such tax collectors are
226 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
227 Constitution if the county tax collector has made reasonable
228 efforts to protect such information from being accessible
229 through other means available to the public. This sub-
230 subparagraph is subject to the Open Government Sunset Review Act
231 in accordance with s. 119.15 and shall stand repealed on October
232 2, 2017, unless reviewed and saved from repeal through
233 reenactment by the Legislature.

234 m. The home addresses, telephone numbers, dates of birth,
235 and photographs of current or former personnel of the Department

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236 of Health whose duties include, or result in, the determination
237 or adjudication of eligibility for social security disability
238 benefits, the investigation or prosecution of complaints filed
239 against health care practitioners, or the inspection of health
240 care practitioners or health care facilities licensed by the
241 Department of Health; the names, home addresses, telephone
242 numbers, dates of birth, and places of employment of the spouses
243 and children of such personnel; and the names and locations of
244 schools and day care facilities attended by the children of such
245 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
246 the State Constitution if the personnel have made reasonable
247 efforts to protect such information from being accessible
248 through other means available to the public. This sub-
249 subparagraph is subject to the Open Government Sunset Review Act
250 in accordance with s. 119.15 and shall stand repealed on October
251 2, 2019, unless reviewed and saved from repeal through
252 reenactment by the Legislature.

253 n. The home addresses, telephone numbers, dates of birth,
254 and photographs of current or former impaired practitioner
255 consultants who are retained by an agency or current or former
256 employees of an impaired practitioner consultant whose duties
257 result in a determination of a person's skill and safety to
258 practice a licensed profession; the names, home addresses,
259 telephone numbers, dates of birth, and places of employment of
260 the spouses and children of such consultants or their employees;
261 and the names and locations of schools and day care facilities
262 attended by the children of such consultants or employees are
263 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
264 Constitution if a consultant or employee has made reasonable

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265 efforts to protect such information from being accessible
266 through other means available to the public. This sub-
267 subparagraph is subject to the Open Government Sunset Review Act
268 in accordance with s. 119.15 and shall stand repealed on October
269 2, 2020, unless reviewed and saved from repeal through
270 reenactment by the Legislature.

271 o. The home addresses, telephone numbers, dates of birth,
272 and photographs of current or former emergency medical
273 technicians or paramedics certified under chapter 401; the
274 names, home addresses, telephone numbers, dates of birth, and
275 places of employment of the spouses and children of such
276 emergency medical technicians or paramedics; and the names and
277 locations of schools and day care facilities attended by the
278 children of such emergency medical technicians or paramedics are
279 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
280 Constitution if the emergency medical technicians or paramedics
281 have made reasonable efforts to protect such information from
282 being accessible through other means available to the public.
283 This sub-subparagraph is subject to the Open Government Sunset
284 Review Act in accordance with s. 119.15 and shall stand repealed
285 on October 2, 2021, unless reviewed and saved from repeal
286 through reenactment by the Legislature.

287 p. The home addresses, telephone numbers, dates of birth,
288 and photographs of current or former personnel employed in an
289 agency's office of inspector general or internal audit
290 department whose duties include auditing or investigating waste,
291 fraud, abuse, theft, exploitation, or other activities that
292 could lead to criminal prosecution or administrative discipline;
293 the names, home addresses, telephone numbers, dates of birth,

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294 and places of employment of spouses and children of such
295 personnel; and the names and locations of schools and day care
296 facilities attended by the children of such personnel are exempt
297 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
298 if the personnel have made reasonable efforts to protect such
299 information from being accessible through other means available
300 to the public. This sub-subparagraph is subject to the Open
301 Government Sunset Review Act in accordance with s. 119.15 and
302 shall stand repealed on October 2, 2021, unless reviewed and
303 saved from repeal through reenactment by the Legislature.

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

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

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

320 Section 2. The Legislature finds that it is a public
321 necessity to exempt from public records requirements the home
322 addresses, telephone numbers, dates of birth, and photographs of

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323 current or former nonsworn investigative personnel of the Office
324 of Financial Regulation's Bureau of Financial Investigations
325 whose duties include the investigation of fraud, theft, other
326 related criminal activities, or state regulatory requirement
327 violations; the names, home addresses, telephone numbers, dates
328 of birth, and places of employment of the spouses and children
329 of such personnel; and the names and locations of schools and
330 day care facilities attended by the children of such personnel.
331 The efforts of such personnel can lead to arrests and
332 prosecutions for crimes up to and including first degree felony
333 violations and can also result in the loss of commerce and
334 property, the assessment of monetary fines, or the suspension or
335 loss of professional licenses. The office has documented
336 multiple compelling instances of such personnel being threatened
337 and fearing repercussions as a result of carrying out their
338 duties. These threats have included weapons being brandished,
339 verbal threats made to harm them or their family members,
340 harassment, and intimidation. The Legislature finds that the
341 release of such personal identifying and location information
342 might place these nonsworn investigative personnel of the office
343 and their family members in danger of physical and emotional
344 harm from disgruntled individuals who have contentious reactions
345 to actions taken by such personnel, or whose business or
346 professional practices have come under the scrutiny of such
347 personnel. The Legislature further finds that the harm that may
348 result from the release of such personal identifying and
349 location information outweighs any public benefit that may be
350 derived from the disclosure of the information.

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