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HB 7093

2017 Legislature

1
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.071, F.S., which
4 provides exemptions from public record requirements
5 for certain personal identifying and location
6 information of specified agency personnel, and the
7 spouses and children thereof; revising the exemptions;
8 removing redundant exemptions for social security
9 numbers; providing an exemption from public record
10 requirements for the names of the spouses and children
11 of certain agency personnel; providing an exemption
12 from public record requirements for the dates of birth
13 for certain agency personnel and their spouses and
14 children; removing the scheduled repeal of certain
15 exemptions; providing for retroactive application;
16 providing for future legislative review and repeal of
17 certain exemptions; providing statements of public
18 necessity; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (d) of subsection (4) of section
23 119.071, Florida Statutes, is amended to read:

24 119.071 General exemptions from inspection or copying of
25 public records.—

ENROLLED

HB 7093

2017 Legislature

26 (4) AGENCY PERSONNEL INFORMATION.—

27 (d)1. For purposes of this paragraph, the term "telephone
28 numbers" includes home telephone numbers, personal cellular
29 telephone numbers, personal pager telephone numbers, and
30 telephone numbers associated with personal communications
31 devices.

32 2.a.~~(1)~~ The home addresses, telephone numbers, ~~social~~
33 ~~security numbers,~~ dates of birth, and photographs of active or
34 former sworn or civilian law enforcement personnel, including
35 correctional and correctional probation officers, personnel of
36 the Department of Children and Families whose duties include the
37 investigation of abuse, neglect, exploitation, fraud, theft, or
38 other criminal activities, personnel of the Department of Health
39 whose duties are to support the investigation of child abuse or
40 neglect, and personnel of the Department of Revenue or local
41 governments whose responsibilities include revenue collection
42 and enforcement or child support enforcement; the names, home
43 addresses, telephone numbers, ~~social security numbers,~~
44 photographs, dates of birth, and places of employment of the
45 spouses and children of such personnel; and the names and
46 locations of schools and day care facilities attended by the
47 children of such personnel are exempt from s. 119.07(1) and s.
48 24(a), Art. I of the State Constitution. This sub-subparagraph
49 is subject to the Open Government Sunset Review Act in
50 accordance with s. 119.15 and shall stand repealed on October 2,

ENROLLED

HB 7093

2017 Legislature

51 2022, unless reviewed and saved from repeal through reenactment
 52 by the Legislature.

53 ~~(II) The names of the spouses and children of active or~~
 54 ~~former sworn or civilian law enforcement personnel and the other~~
 55 ~~specified agency personnel identified in sub-sub-subparagraph~~
 56 ~~(I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the~~
 57 ~~State Constitution.~~

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

62 b.(IV) The home addresses, telephone numbers, dates of
 63 birth, and photographs of current or former nonsworn
 64 investigative personnel of the Department of Financial Services
 65 whose duties include the investigation of fraud, theft, workers'
 66 compensation coverage requirements and compliance, other related
 67 criminal activities, or state regulatory requirement violations;
 68 the names, home addresses, telephone numbers, dates of birth,
 69 and places of employment of the spouses and children of such
 70 personnel; and the names and locations of schools and day care
 71 facilities attended by the children of such personnel are exempt
 72 from s. 119.07(1) and s. 24(a), Art. I of the State
 73 Constitution. This sub-subparagraph ~~sub-sub-subparagraph~~ is
 74 subject to the Open Government Sunset Review Act in accordance
 75 with s. 119.15 and shall stand repealed on October 2, 2021,

ENROLLED

HB 7093

2017 Legislature

76 unless reviewed and saved from repeal through reenactment by the
77 Legislature.

78 ~~c.b.~~ The home addresses, telephone numbers, dates of
79 birth, and photographs of firefighters certified in compliance
80 with s. 633.408; the names, home addresses, telephone numbers,
81 photographs, dates of birth, and places of employment of the
82 spouses and children of such firefighters; and the names and
83 locations of schools and day care facilities attended by the
84 children of such firefighters are exempt from s. 119.07(1) and
85 s. 24(a), Art. I of the State Constitution. This sub-
86 subparagraph is subject to the Open Government Sunset Review Act
87 in accordance with s. 119.15 and shall stand repealed on October
88 2, 2022, unless reviewed and saved from repeal through
89 reenactment by the Legislature.

90 ~~d.e.~~ The home addresses, dates of birth, and telephone
91 numbers of current or former justices of the Supreme Court,
92 district court of appeal judges, circuit court judges, and
93 county court judges; the names, home addresses, telephone
94 numbers, dates of birth, and places of employment of the spouses
95 and children of current or former justices and judges; and the
96 names and locations of schools and day care facilities attended
97 by the children of current or former justices and judges are
98 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
99 Constitution. This sub-subparagraph is subject to the Open
100 Government Sunset Review Act in accordance with s. 119.15 and

ENROLLED

HB 7093

2017 Legislature

101 shall stand repealed on October 2, 2022, unless reviewed and
102 saved from repeal through reenactment by the Legislature.

103 e.d.(I) The home addresses, telephone numbers, ~~social~~
104 ~~security numbers,~~ dates of birth, and photographs of current or
105 former state attorneys, assistant state attorneys, statewide
106 prosecutors, or assistant statewide prosecutors; the names, home
107 addresses, telephone numbers, ~~social security numbers,~~
108 photographs, dates of birth, and places of employment of the
109 spouses and children of current or former state attorneys,
110 assistant state attorneys, statewide prosecutors, or assistant
111 statewide prosecutors; and the names and locations of schools
112 and day care facilities attended by the children of current or
113 former state attorneys, assistant state attorneys, statewide
114 prosecutors, or assistant statewide prosecutors are exempt from
115 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

116 ~~(II) The names of the spouses and children of current or~~
117 ~~former state attorneys, assistant state attorneys, statewide~~
118 ~~prosecutors, or assistant statewide prosecutors are exempt from~~
119 ~~s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

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

124 f.e. The home addresses, dates of birth, and telephone
125 numbers of general magistrates, special magistrates, judges of

ENROLLED

HB 7093

2017 Legislature

126 compensation claims, administrative law judges of the Division
 127 of Administrative Hearings, and child support enforcement
 128 hearing officers; the names, home addresses, telephone numbers,
 129 dates of birth, and places of employment of the spouses and
 130 children of general magistrates, special magistrates, judges of
 131 compensation claims, administrative law judges of the Division
 132 of Administrative Hearings, and child support enforcement
 133 hearing officers; and the names and locations of schools and day
 134 care facilities attended by the children of general magistrates,
 135 special magistrates, judges of compensation claims,
 136 administrative law judges of the Division of Administrative
 137 Hearings, and child support enforcement hearing officers are
 138 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 139 Constitution. This sub-subparagraph is subject to the Open
 140 Government Sunset Review Act in accordance with s. 119.15 and
 141 shall stand repealed on October 2, 2022, unless reviewed and
 142 saved from repeal through reenactment by the Legislature ~~if the~~
 143 ~~general magistrate, special magistrate, judge of compensation~~
 144 ~~claims, administrative law judge of the Division of~~
 145 ~~Administrative Hearings, or child support hearing officer~~
 146 ~~provides a written statement that the general magistrate,~~
 147 ~~special magistrate, judge of compensation claims, administrative~~
 148 ~~law judge of the Division of Administrative Hearings, or child~~
 149 ~~support hearing officer has made reasonable efforts to protect~~
 150 ~~such information from being accessible through other means~~

ENROLLED

HB 7093

2017 Legislature

151 | ~~available to the public.~~

152 | ~~g.f.~~ The home addresses, telephone numbers, dates of
153 | birth, and photographs of current or former human resource,
154 | labor relations, or employee relations directors, assistant
155 | directors, managers, or assistant managers of any local
156 | government agency or water management district whose duties
157 | include hiring and firing employees, labor contract negotiation,
158 | administration, or other personnel-related duties; the names,
159 | home addresses, telephone numbers, dates of birth, and places of
160 | employment of the spouses and children of such personnel; and
161 | the names and locations of schools and day care facilities
162 | attended by the children of such personnel are exempt from s.
163 | 119.07(1) and s. 24(a), Art. I of the State Constitution.

164 | ~~h.g.~~ The home addresses, telephone numbers, dates of
165 | birth, and photographs of current or former code enforcement
166 | officers; the names, home addresses, telephone numbers, dates of
167 | birth, and places of employment of the spouses and children of
168 | such personnel; and the names and locations of schools and day
169 | care facilities attended by the children of such personnel are
170 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
171 | Constitution.

172 | ~~i.h.~~ The home addresses, telephone numbers, places of
173 | employment, dates of birth, and photographs of current or former
174 | guardians ad litem, as defined in s. 39.820; the names, home
175 | addresses, telephone numbers, dates of birth, and places of

ENROLLED

HB 7093

2017 Legislature

176 employment of the spouses and children of such persons; and the
 177 names and locations of schools and day care facilities attended
 178 by the children of such persons are exempt from s. 119.07(1) and
 179 s. 24(a), Art. I of the State Constitution. This sub-
 180 subparagraph is subject to the Open Government Sunset Review Act
 181 in accordance with s. 119.15 and shall stand repealed on October
 182 2, 2022, unless reviewed and saved from repeal through
 183 reenactment by the Legislature , ~~if the guardian ad litem~~
 184 ~~provides a written statement that the guardian ad litem has made~~
 185 ~~reasonable efforts to protect such information from being~~
 186 ~~accessible through other means available to the public.~~

187 j.i. The home addresses, telephone numbers, dates of
 188 birth, and photographs of current or former juvenile probation
 189 officers, juvenile probation supervisors, detention
 190 superintendents, assistant detention superintendents, juvenile
 191 justice detention officers I and II, juvenile justice detention
 192 officer supervisors, juvenile justice residential officers,
 193 juvenile justice residential officer supervisors I and II,
 194 juvenile justice counselors, juvenile justice counselor
 195 supervisors, human services counselor administrators, senior
 196 human services counselor administrators, rehabilitation
 197 therapists, and social services counselors of the Department of
 198 Juvenile Justice; the names, home addresses, telephone numbers,
 199 dates of birth, and places of employment of spouses and children
 200 of such personnel; and the names and locations of schools and

ENROLLED

HB 7093

2017 Legislature

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

204 k.j. ~~(I)~~ The home addresses, telephone numbers, dates of
205 birth, and photographs of current or former public defenders,
206 assistant public defenders, criminal conflict and civil regional
207 counsel, and assistant criminal conflict and civil regional
208 counsel; the names, home addresses, telephone numbers, dates of
209 birth, and places of employment of the spouses and children of
210 such defenders or counsel; and the names and locations of
211 schools and day care facilities attended by the children of such
212 defenders or counsel are exempt from s. 119.07(1) and s. 24(a),
213 Art. I of the State Constitution.

214 ~~(II) The names of the spouses and children of the~~
215 ~~specified agency personnel identified in sub-sub-subparagraph~~
216 ~~(I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the~~
217 ~~State Constitution. This sub-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, 2019, unless reviewed and~~
220 ~~saved from repeal through reenactment by the Legislature.~~

221 l.k. The home addresses, telephone numbers, dates of
222 birth, and photographs of current or former investigators or
223 inspectors of the Department of Business and Professional
224 Regulation; the names, home addresses, telephone numbers, dates
225 of birth, and places of employment of the spouses and children

ENROLLED

HB 7093

2017 Legislature

226 of such current or former investigators and inspectors; and the
227 names and locations of schools and day care facilities attended
228 by the children of such current or former investigators and
229 inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of
230 the State Constitution ~~if the investigator or inspector has made~~
231 ~~reasonable efforts to protect such information from being~~
232 ~~accessible through other means available to the public.~~ This
233 sub-subparagraph is subject to the Open Government Sunset Review
234 Act in accordance with s. 119.15 and shall stand repealed on
235 October 2, 2022 ~~2017~~, unless reviewed and saved from repeal
236 through reenactment by the Legislature.

237 ~~m.1.~~ The home addresses, and telephone numbers, and dates
238 of birth of county tax collectors; the names, home addresses,
239 telephone numbers, dates of birth, and places of employment of
240 the spouses and children of such tax collectors; and the names
241 and locations of schools and day care facilities attended by the
242 children of such tax collectors are exempt from s. 119.07(1) and
243 s. 24(a), Art. I of the State Constitution ~~if the county tax~~
244 ~~collector has made reasonable efforts to protect such~~
245 ~~information from being accessible through other means available~~
246 ~~to the public.~~ This sub-subparagraph is subject to the Open
247 Government Sunset Review Act in accordance with s. 119.15 and
248 shall stand repealed on October 2, 2022 ~~2017~~, unless reviewed
249 and saved from repeal through reenactment by the Legislature.

250 ~~n.m.~~ The home addresses, telephone numbers, dates of

ENROLLED

HB 7093

2017 Legislature

251 birth, and photographs of current or former personnel of the
 252 Department of Health whose duties include, or result in, the
 253 determination or adjudication of eligibility for social security
 254 disability benefits, the investigation or prosecution of
 255 complaints filed against health care practitioners, or the
 256 inspection of health care practitioners or health care
 257 facilities licensed by the Department of Health; the names, home
 258 addresses, telephone numbers, dates of birth, and places of
 259 employment of the spouses and children of such personnel; and
 260 the names and locations of schools and day care facilities
 261 attended by the children of such personnel are exempt from s.
 262 119.07(1) and s. 24(a), Art. I of the State Constitution ~~if the~~
 263 ~~personnel have made reasonable efforts to protect such~~
 264 ~~information from being accessible through other means available~~
 265 ~~to the public.~~ This sub-subparagraph is subject to the Open
 266 Government Sunset Review Act in accordance with s. 119.15 and
 267 shall stand repealed on October 2, 2019, unless reviewed and
 268 saved from repeal through reenactment by the Legislature.

269 o.n. The home addresses, telephone numbers, dates of
 270 birth, and photographs of current or former impaired
 271 practitioner consultants who are retained by an agency or
 272 current or former employees of an impaired practitioner
 273 consultant whose duties result in a determination of a person's
 274 skill and safety to practice a licensed profession; the names,
 275 home addresses, telephone numbers, dates of birth, and places of

ENROLLED

HB 7093

2017 Legislature

276 employment of the spouses and children of such consultants or
277 their employees; and the names and locations of schools and day
278 care facilities attended by the children of such consultants or
279 employees are exempt from s. 119.07(1) and s. 24(a), Art. I of
280 the State Constitution ~~if a consultant or employee has made~~
281 ~~reasonable efforts to protect such information from being~~
282 ~~accessible through other means available to the public.~~ This
283 sub-subparagraph is subject to the Open Government Sunset Review
284 Act in accordance with s. 119.15 and shall stand repealed on
285 October 2, 2020, unless reviewed and saved from repeal through
286 reenactment by the Legislature.

287 p.e. The home addresses, telephone numbers, dates of
288 birth, and photographs of current or former emergency medical
289 technicians or paramedics certified under chapter 401; the
290 names, home addresses, telephone numbers, dates of birth, and
291 places of employment of the spouses and children of such
292 emergency medical technicians or paramedics; and the names and
293 locations of schools and day care facilities attended by the
294 children of such emergency medical technicians or paramedics are
295 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
296 Constitution ~~if the emergency medical technicians or paramedics~~
297 ~~have made reasonable efforts to protect such information from~~
298 ~~being accessible through other means available to the public.~~
299 This sub-subparagraph is subject to the Open Government Sunset
300 Review Act in accordance with s. 119.15 and shall stand repealed

ENROLLED

HB 7093

2017 Legislature

301 on October 2, 2021, unless reviewed and saved from repeal
302 through reenactment by the Legislature.

303 ~~g.p.~~ The home addresses, telephone numbers, dates of
304 birth, and photographs of current or former personnel employed
305 in an agency's office of inspector general or internal audit
306 department whose duties include auditing or investigating waste,
307 fraud, abuse, theft, exploitation, or other activities that
308 could lead to criminal prosecution or administrative discipline;
309 the names, home addresses, telephone numbers, dates of birth,
310 and places of employment of spouses and children of such
311 personnel; and the names and locations of schools and day care
312 facilities attended by the children of such personnel are exempt
313 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
314 ~~if the personnel have made reasonable efforts to protect such~~
315 ~~information from being accessible through other means available~~
316 ~~to the public.~~ This sub-subparagraph is subject to the Open
317 Government Sunset Review Act in accordance with s. 119.15 and
318 shall stand repealed on October 2, 2021, unless reviewed and
319 saved from repeal through reenactment by the Legislature.

320 3. An agency that is the custodian of the information
321 specified in subparagraph 2. and that is not the employer of the
322 officer, employee, justice, judge, or other person specified in
323 subparagraph 2. shall maintain the exempt status of that
324 information only if the officer, employee, justice, judge, other
325 person, or employing agency of the designated employee submits a

ENROLLED

HB 7093

2017 Legislature

326 written request for maintenance of the exemption to the
 327 custodial agency.

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

331 ~~5. Except as otherwise expressly provided in this~~
 332 ~~paragraph, this paragraph is subject to the Open Government~~
 333 ~~Sunset Review Act in accordance with s. 119.15, and shall stand~~
 334 ~~repealed on October 2, 2017, unless reviewed and saved from~~
 335 ~~repeal through reenactment by the Legislature.~~

336 Section 2. (1) (a) The Legislature finds that it is a
 337 public necessity that the following information be made exempt
 338 from s. 24(a), Article I of the State Constitution:

339 1. The home addresses, telephone numbers, dates of birth,
 340 and photographs of active or former sworn or civilian law
 341 enforcement personnel, including correctional and correctional
 342 probation officers; personnel of the Department of Children and
 343 Families whose duties include the investigation of abuse,
 344 neglect, exploitation, fraud, theft, or other criminal
 345 activities; personnel of the Department of Health whose duties
 346 are to support the investigation of child abuse or neglect; and
 347 personnel of the Department of Revenue or local governments
 348 whose responsibilities include revenue collection and
 349 enforcement or child support enforcement; the home addresses,
 350 telephone numbers, photographs, dates of birth, and places of

ENROLLED

HB 7093

2017 Legislature

351 employment of the spouses and children of such personnel; and
 352 the names and locations of schools and day care facilities
 353 attended by the children of such personnel;

354 2. The home addresses, telephone numbers, dates of birth,
 355 and photographs of firefighters certified in compliance with s.
 356 633.408, Florida Statutes; the home addresses, telephone
 357 numbers, photographs, dates of birth, and places of employment
 358 of the spouses and children of such firefighters; and the names
 359 and locations of schools and day care facilities attended by the
 360 children of such firefighters; and

361 3. The home addresses, dates of birth, and telephone
 362 numbers of current or former justices of the Supreme Court,
 363 district court of appeal judges, circuit court judges, and
 364 county court judges; the home addresses, telephone numbers,
 365 dates of birth, and places of employment of the spouses and
 366 children of current or former justices and judges; and the names
 367 and locations of schools and day care facilities attended by the
 368 children of current or former justices and judges.

369 (b) The Legislature finds that it is a public necessity to
 370 exempt this information from s. 24(a), Article I of the State
 371 Constitution in order to prevent disclosure of information that
 372 can be used to identify or locate these governmental personnel
 373 and their spouses and children. These governmental personnel
 374 perform duties that can adversely affect the rights of members
 375 of the public. Adversely affected people and their families or

ENROLLED

HB 7093

2017 Legislature

376 friends may place blame on these governmental personnel for
377 arrests, investigations, or judicial intervention. Governmental
378 personnel may also be threatened or harmed by victims who
379 believe governmental personnel did not adequately perform their
380 duties. Such governmental personnel are subject to threats and
381 violence on and off duty, and these threats persist after such
382 personnel leave work. The threat of danger and revenge extend to
383 the spouses and children of these governmental personnel.

384 (c) Furthermore, the combination of personal
385 identification and location information can be used as a tool to
386 perpetuate fraud against these governmental personnel and to
387 acquire sensitive personal, financial, medical, and familial
388 information, the release of which could cause great financial
389 harm to these individuals and their families. Identity theft can
390 also harm these governmental personnel and their families'
391 reputations. It is in the public interest to protect fully these
392 governmental employees and their families and to ensure that
393 their identifying and location information is exempt from public
394 disclosure when it is held by an entity in the executive,
395 legislative, or judicial branch of government.

396 (2) (a) The Legislature finds that it is a public necessity
397 to exempt the names of the children and spouses of the following
398 governmental personnel from s. 119.07(1), Florida Statutes, and
399 s. 24(a), Article I of the State Constitution:

400 1. Firefighters certified in compliance with s. 633.408,

ENROLLED

HB 7093

2017 Legislature

401 Florida Statutes;

402 2. Current or former justices of the Supreme Court,
 403 district court of appeal judges, circuit court judges, and
 404 county court judges; and

405 3. General magistrates, special magistrates, judges of
 406 compensation claims, administrative law judges of the Division
 407 of Administrative Hearings, and child support enforcement
 408 hearing officers.

409 (b) Such personnel are often required to interact with
 410 members of the public who are in difficult circumstances. These
 411 personnel and their families are subject to threats by members
 412 of the public who may seek revenge against them. Allowing public
 413 access to the names of children and spouses of such personnel
 414 will make the children and spouses of these personnel easy to
 415 find and expose them to threats or acts of revenge. Threats or
 416 acts of revenge against the children and spouses of such
 417 personnel could compromise the governmental personnel's ability
 418 to perform their duties without fear of retaliation.

419 (3) (a) The Legislature finds that it is a public necessity
 420 to make the following information exempt from s. 119.07(1),
 421 Florida Statutes, and s. 24(a), Article I of the State
 422 Constitution, regardless of whether such individuals made
 423 reasonable efforts to protect such information from being
 424 public:

425 1. The home addresses, dates of birth, and telephone

ENROLLED

HB 7093

2017 Legislature

426 numbers of general magistrates, special magistrates, judges of
 427 compensation claims, administrative law judges of the Division
 428 of Administrative Hearings, and child support enforcement
 429 hearing officers; the names, home addresses, telephone numbers,
 430 dates of birth, and places of employment of the spouses and
 431 children of general magistrates, special magistrates, judges of
 432 compensation claims, administrative law judges of the Division
 433 of Administrative Hearings, and child support enforcement
 434 hearing officers; and the names and locations of schools and day
 435 care facilities attended by the children of general magistrates,
 436 special magistrates, judges of compensation claims,
 437 administrative law judges of the Division of Administrative
 438 Hearings, and child support enforcement hearing officers.

439 2. The home addresses, telephone numbers, places of
 440 employment, dates of birth, and photographs of current or former
 441 guardians ad litem, as defined in s. 39.820, Florida Statutes;
 442 the names, home addresses, telephone numbers, dates of birth,
 443 and places of employment of the spouses and children of such
 444 persons; and the names and locations of schools and day care
 445 facilities attended by the children of such persons.

446 3. The home addresses, telephone numbers, dates of birth,
 447 and photographs of current or former investigators or inspectors
 448 of the Department of Business and Professional Regulation; the
 449 names, home addresses, telephone numbers, dates of birth, and
 450 places of employment of the spouses and children of current or

ENROLLED

HB 7093

2017 Legislature

451 former investigators and inspectors; and the names and locations
452 of schools and day care facilities attended by the children of
453 current or former investigators and inspectors.

454 4. The home addresses, telephone numbers, and dates of
455 birth of county tax collectors; the names, home addresses,
456 telephone numbers, dates of birth, and places of employment of
457 the spouses and children of such tax collectors; and the names
458 and locations of schools and day care facilities attended by the
459 children of such tax collectors.

460 5. The home addresses, telephone numbers, dates of birth,
461 and photographs of current or former personnel of the Department
462 of Health whose duties include, or result in, the determination
463 or adjudication of eligibility for social security disability
464 benefits, the investigation or prosecution of complaints filed
465 against health care practitioners, or the inspection of health
466 care practitioners or health care facilities licensed by the
467 Department of Health; the names, home addresses, telephone
468 numbers, dates of birth, and places of employment of the spouses
469 and children of such personnel; and the names and locations of
470 schools and day care facilities attended by the children of such
471 personnel.

472 6. The home addresses, telephone numbers, dates of birth,
473 and photographs of current or former impaired practitioner
474 consultants who are retained by an agency or current or former
475 employees of an impaired practitioner consultant whose duties

ENROLLED

HB 7093

2017 Legislature

476 result in a determination of a person's skill and safety to
 477 practice a licensed profession; the names, home addresses,
 478 telephone numbers, dates of birth, and places of employment of
 479 the spouses and children of such consultants or their employees;
 480 and the names and locations of schools and day care facilities
 481 attended by the children of such consultants or employees.

482 7. The home addresses, telephone numbers, dates of birth,
 483 and photographs of current or former emergency medical
 484 technicians or paramedics certified under chapter 401; the
 485 names, home addresses, telephone numbers, dates of birth, and
 486 places of employment of the spouses and children of such
 487 emergency medical technicians or paramedics; and the names and
 488 locations of schools and day care facilities attended by the
 489 children of such emergency medical technicians or paramedics.

490 8. The home addresses, telephone numbers, dates of birth,
 491 and photographs of current or former personnel employed in an
 492 agency's office of inspector general or internal audit
 493 department whose duties include auditing or investigating waste,
 494 fraud, abuse, theft, exploitation, or other activities that
 495 could lead to criminal prosecution or administrative discipline;
 496 the names, home addresses, telephone numbers, dates of birth,
 497 and places of employment of spouses and children of such
 498 personnel; and the names and locations of schools and day care
 499 facilities attended by the children of such personnel.

500 (b) The Legislature finds that exempting identifying and

ENROLLED

HB 7093

2017 Legislature

501 location information from public disclosure requirements
502 protects such personnel and their spouses and children from
503 danger of physical and emotional harm from disgruntled criminal
504 defendants, litigants, licensees, taxpayers, and other members
505 of the public. Such personnel may be subject to threats or acts
506 of revenge because of the duties they perform. The spouses and
507 children of such personnel are also endangered by people who may
508 seek to intimidate or harm such personnel. In addition,
509 criminals could use identification and location information for
510 identity theft that can cause financial harm to these personnel
511 and their spouses and children. The harm that might result from
512 the release of exempt information outweighs any public benefit
513 that could be derived from disclosure. For these reasons, the
514 exemptions should be applied without requiring such personnel
515 prove that they have not made their information public.

516 (c) In addition, requiring these personnel prove that they
517 made reasonable efforts to protect their identification and
518 location information is an added burden on these individuals as
519 well as on agencies receiving a public records request. The
520 extent to which these individuals must protect their information
521 from public accessibility is unclear. It is also unclear how
522 much proof an agency needs in order to grant the exemption. The
523 burden on an agency to verify whether these individuals have
524 protected from public disclosure their identifying and location
525 information adversely impacts the effective and efficient

ENROLLED

HB 7093

2017 Legislature

526 administration of government in establishing who is eligible for
527 an exemption. Relatively few public record exemptions require an
528 individual to prove that he or she made reasonable efforts to
529 protect his or her information from being available to the
530 public. Such inconsistencies among public record exemptions
531 reduce accuracy and efficiency when redacting exempt information
532 when a public records request for agency personnel information
533 is made. It is not in the public interest for the public to
534 receive inaccurately redacted information.

535 (4) (a) The Legislature finds that it is a public necessity
536 that the dates of birth of the following people be made exempt
537 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
538 the State Constitution:

539 1. Current or former investigators or inspectors of the
540 Department of Business and Professional Regulation and their
541 spouses and children; and

542 2. County tax collectors and their spouses and children.

543 (b) Dates of birth can be used as a tool to perpetuate
544 fraud against an individual and to acquire sensitive personal,
545 financial, medical, and familial information, the release of
546 which could cause great financial harm to an individual and his
547 or her family. Identity theft can also be used to harm their
548 reputations and good name.

549 (5) The Legislature finds that the amendments to s.
550 119.071(4) (d), Florida Statutes, made by this act are necessary

ENROLLED

HB 7093

2017 Legislature

551 to bring greater uniformity among public record exemptions for
552 agency personnel information because exempted information
553 currently varies from exemption to exemption. Inconsistencies
554 between public record exemptions for agency personnel
555 information result in increased inaccuracy and inefficiency when
556 information must be redacted in response to a public record
557 request. Unnecessary complexity increases the likelihood that
558 public record custodians may inaccurately redact information in
559 a record. As a result, the public could receive an improperly
560 redacted record that contains information that is not exempt or
561 have access to exempt information that should have been
562 redacted. It is not in the interest of the public to receive
563 inaccurately redacted information, or to unnecessarily pay fees
564 for staff time associated with redacting extraneous information.
565 In addition, the accidental release of personal identifying and
566 location information can endanger personnel or otherwise negate
567 the purpose of the exemption.

568 Section 3. This act shall take effect October 1, 2017.