

By Senator Rouson

19-01198-18

20181202__

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

19-01198-18

20181202__

30 personnel of the Department of Revenue or local governments
31 whose responsibilities include revenue collection and
32 enforcement or child support enforcement; the names, home
33 addresses, telephone numbers, photographs, dates of birth, and
34 places of employment of the spouses and children of such
35 personnel; and the names and locations of schools and day care
36 facilities attended by the children of such personnel are exempt
37 from s. 119.07(1) and s. 24(a), Art. I of the State
38 Constitution. This sub-subparagraph is subject to the Open
39 Government Sunset Review Act in accordance with s. 119.15 and
40 shall stand repealed on October 2, 2022, unless reviewed and
41 saved from repeal through reenactment by the Legislature.

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55 shall stand repealed on October 2, 2021, unless reviewed and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

57 c. The home addresses, telephone numbers, dates of birth,
58 and photographs of current or former nonsworn investigative

19-01198-18

20181202__

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

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

84 e. (I) The home addresses, dates of birth, and telephone
85 numbers of current or former justices of the Supreme Court,
86 district court of appeal judges, circuit court judges, and
87 county court judges; the names, home addresses, telephone

19-01198-18

20181202__

88 numbers, dates of birth, and places of employment of the spouses
89 and children of current or former justices and judges; and the
90 names and locations of schools and day care facilities attended
91 by the children of current or former justices and judges are
92 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
93 Constitution. This sub-sub-subparagraph is subject to the Open
94 Government Sunset Review Act in accordance with s. 119.15 and
95 shall stand repealed on October 2, 2022, unless reviewed and
96 saved from repeal through reenactment by the Legislature.

97 (II) The business e-mail addresses of current justices of
98 the Supreme Court, district court of appeal judges, circuit
99 court judges, and county court judges are exempt from s.
100 119.07(1) and s. 24(a), Art. I of the State Constitution. This
101 sub-sub-subparagraph is subject to the Open Government Sunset
102 Review Act in accordance with s. 119.15 and shall stand repealed
103 on October 2, 2023, unless reviewed and saved from repeal
104 through reenactment by the Legislature.

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

19-01198-18

20181202__

117 g. 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
120 of Administrative Hearings, and child support enforcement
121 hearing officers; the names, home addresses, telephone numbers,
122 dates of birth, and places of employment of the spouses and
123 children 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. This sub-subparagraph is subject to the Open
133 Government Sunset Review Act in accordance with s. 119.15 and
134 shall stand repealed on October 2, 2022, unless reviewed and
135 saved from repeal through reenactment by the Legislature.

136 h. The home addresses, telephone numbers, dates of birth,
137 and photographs of current or former human resource, labor
138 relations, or employee relations directors, assistant directors,
139 managers, or assistant managers of any local government agency
140 or water management district whose duties include hiring and
141 firing employees, labor contract negotiation, administration, or
142 other personnel-related duties; the names, home addresses,
143 telephone numbers, dates of birth, and places of employment of
144 the spouses and children of such personnel; and the names and
145 locations of schools and day care facilities attended by the

19-01198-18

20181202__

146 children of such personnel are exempt from s. 119.07(1) and s.
147 24(a), Art. I of the State Constitution.

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

156 j. The home addresses, telephone numbers, places of
157 employment, dates of birth, and photographs of current or former
158 guardians ad litem, as defined in s. 39.820; the names, home
159 addresses, telephone numbers, dates of birth, and places of
160 employment of the spouses and children of such persons; and the
161 names and locations of schools and day care facilities attended
162 by the children of such persons are exempt from s. 119.07(1) and
163 s. 24(a), Art. I of the State Constitution. This sub-
164 subparagraph is subject to the Open Government Sunset Review Act
165 in accordance with s. 119.15 and shall stand repealed on October
166 2, 2022, unless reviewed and saved from repeal through
167 reenactment by the Legislature.

168 k. The home addresses, telephone numbers, dates of birth,
169 and photographs of current or former juvenile probation
170 officers, juvenile probation supervisors, detention
171 superintendents, assistant detention superintendents, juvenile
172 justice detention officers I and II, juvenile justice detention
173 officer supervisors, juvenile justice residential officers,
174 juvenile justice residential officer supervisors I and II,

19-01198-18

20181202__

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

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

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

19-01198-18

20181202__

204 Constitution. This sub-subparagraph is subject to the Open
205 Government Sunset Review Act in accordance with s. 119.15 and
206 shall stand repealed on October 2, 2022, unless reviewed and
207 saved from repeal through reenactment by the Legislature.

208 n. The home addresses, telephone numbers, and dates of
209 birth of county tax collectors; the names, home addresses,
210 telephone numbers, dates of birth, and places of employment of
211 the spouses and children of such tax collectors; and the names
212 and locations of schools and day care facilities attended by the
213 children of such tax collectors are exempt from s. 119.07(1) and
214 s. 24(a), Art. I of the State Constitution. This sub-
215 subparagraph is subject to the Open Government Sunset Review Act
216 in accordance with s. 119.15 and shall stand repealed on October
217 2, 2022, unless reviewed and saved from repeal through
218 reenactment by the Legislature.

219 o. The home addresses, telephone numbers, dates of birth,
220 and photographs of current or former personnel of the Department
221 of Health whose duties include, or result in, the determination
222 or adjudication of eligibility for social security disability
223 benefits, the investigation or prosecution of complaints filed
224 against health care practitioners, or the inspection of health
225 care practitioners or health care facilities licensed by the
226 Department of Health; the names, home addresses, telephone
227 numbers, dates of birth, and places of employment of the spouses
228 and children of such personnel; and the names and locations of
229 schools and day care facilities attended by the children of such
230 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
231 the State Constitution. This sub-subparagraph is subject to the
232 Open Government Sunset Review Act in accordance with s. 119.15

19-01198-18

20181202__

233 and shall stand repealed on October 2, 2019, unless reviewed and
234 saved from repeal through reenactment by the Legislature.

235 p. The home addresses, telephone numbers, dates of birth,
236 and photographs of current or former impaired practitioner
237 consultants who are retained by an agency or current or former
238 employees of an impaired practitioner consultant whose duties
239 result in a determination of a person's skill and safety to
240 practice a licensed profession; the names, home addresses,
241 telephone numbers, dates of birth, and places of employment of
242 the spouses and children of such consultants or their employees;
243 and the names and locations of schools and day care facilities
244 attended by the children of such consultants or employees are
245 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
246 Constitution. 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, 2020, unless reviewed and
249 saved from repeal through reenactment by the Legislature.

250 q. The home addresses, telephone numbers, dates of birth,
251 and photographs of current or former emergency medical
252 technicians or paramedics certified under chapter 401; the
253 names, home addresses, telephone numbers, dates of birth, and
254 places of employment of the spouses and children of such
255 emergency medical technicians or paramedics; and the names and
256 locations of schools and day care facilities attended by the
257 children of such emergency medical technicians or paramedics are
258 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
259 Constitution. This sub-subparagraph is subject to the Open
260 Government Sunset Review Act in accordance with s. 119.15 and
261 shall stand repealed on October 2, 2021, unless reviewed and

19-01198-18

20181202__

262 saved from repeal through reenactment by the Legislature.

263 r. The home addresses, telephone numbers, dates of birth,
264 and photographs of current or former personnel employed in an
265 agency's office of inspector general or internal audit
266 department whose duties include auditing or investigating waste,
267 fraud, abuse, theft, exploitation, or other activities that
268 could lead to criminal prosecution or administrative discipline;
269 the names, home addresses, telephone numbers, dates of birth,
270 and places of employment of spouses and children of such
271 personnel; and the names and locations of schools and day care
272 facilities attended by the children of such personnel are exempt
273 from s. 119.07(1) and s. 24(a), Art. I of the State
274 Constitution. This sub-subparagraph is subject to the Open
275 Government Sunset Review Act in accordance with s. 119.15 and
276 shall stand repealed on October 2, 2021, unless reviewed and
277 saved from repeal through reenactment by the Legislature.

278 3. An agency that is the custodian of the information
279 specified in subparagraph 2. and that is not the employer of the
280 officer, employee, justice, judge, or other person specified in
281 subparagraph 2. shall maintain the exempt status of that
282 information only if the officer, employee, justice, judge, other
283 person, or employing agency of the designated employee submits a
284 written request for maintenance of the exemption to the
285 custodial agency.

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

289 Section 2. The Legislature finds that it is a public
290 necessity to exempt from public records requirements the

19-01198-18

20181202__

291 business e-mail addresses of the current justices of the Supreme
292 Court, district court of appeal judges, circuit court judges,
293 and county court judges. Public release of such information
294 could result in e-mails from the public or the parties in a case
295 regarding that litigation being sent directly to justices or
296 judges, which creates the risk of ex parte communications that
297 could necessitate recusal or other action that may negatively
298 affect judicial efficiency and court schedules. The Legislature
299 further finds that the harm that may result from the release of
300 such e-mail addresses outweighs any public benefit that may be
301 derived from the disclosure of the information. If the justices'
302 and judges' business e-mail addresses are exempt from public
303 records requirements, the public could still use e-mail to
304 contact a justice or judge through his or her judicial
305 assistant. In addition, the content of e-mails sent by justices
306 or judges through their business e-mail addresses would remain
307 public; only the business e-mail addresses would be exempt.

308 Section 3. This act shall take effect July 1, 2018.