

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 child advocacy center
 6 personnel or child protection team members, and their
 7 spouses and children; providing for retroactive
 8 application; providing for future legislative review
 9 and repeal of the exemption; providing a statement of
 10 public necessity; providing an effective date.

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

13
 14 Section 1. Paragraph (d) of subsection (4) of section
 15 119.071, Florida Statutes, is amended to read:

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

18 (4) AGENCY PERSONNEL INFORMATION.—

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

24 2.a. The home addresses, telephone numbers, dates of
 25 birth, and photographs of active or former sworn or civilian law

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42 shall stand repealed on October 2, 2022, unless reviewed and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

44 b. The home addresses, telephone numbers, dates of birth,
45 and photographs of current or former nonsworn investigative
46 personnel of the Department of Financial Services whose duties
47 include the investigation of fraud, theft, workers' compensation
48 coverage requirements and compliance, other related criminal
49 activities, or state regulatory requirement violations; the
50 names, home addresses, telephone numbers, dates of birth, and

51 places of employment of the spouses and children of such
52 personnel; and the names and locations of schools and day care
53 facilities attended by the children of such personnel are exempt
54 from s. 119.07(1) and s. 24(a), Art. I of the State
55 Constitution. This sub-subparagraph is subject to the Open
56 Government Sunset Review Act in accordance with s. 119.15 and
57 shall stand repealed on October 2, 2021, unless reviewed and
58 saved from repeal through reenactment by the Legislature.

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

74 d. The home addresses, telephone numbers, dates of birth,
75 and photographs of current or former firefighters certified in

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

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

99 f. The home addresses, telephone numbers, dates of birth,
100 and photographs of current or former state attorneys, assistant

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

111 g. The home addresses, dates of birth, and telephone
112 numbers of general magistrates, special magistrates, judges of
113 compensation claims, administrative law judges of the Division
114 of Administrative Hearings, and child support enforcement
115 hearing officers; the names, home addresses, telephone numbers,
116 dates of birth, and places of employment of the spouses and
117 children of general magistrates, special magistrates, judges of
118 compensation claims, administrative law judges of the Division
119 of Administrative Hearings, and child support enforcement
120 hearing officers; and the names and locations of schools and day
121 care facilities attended by the children of general magistrates,
122 special magistrates, judges of compensation claims,
123 administrative law judges of the Division of Administrative
124 Hearings, and child support enforcement hearing officers are
125 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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

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

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

150 j. The home addresses, telephone numbers, places of

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

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

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

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

189 m. The home addresses, telephone numbers, dates of birth,
190 and photographs of current or former investigators or inspectors
191 of the Department of Business and Professional Regulation; the
192 names, home addresses, telephone numbers, dates of birth, and
193 places of employment of the spouses and children of such current
194 or former investigators and inspectors; and the names and
195 locations of schools and day care facilities attended by the
196 children of such current or former investigators and inspectors
197 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
198 Constitution. This sub-subparagraph is subject to the Open
199 Government Sunset Review Act in accordance with s. 119.15 and
200 shall stand repealed on October 2, 2022, unless reviewed and

201 saved from repeal through reenactment by the Legislature.

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

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

226 Open Government Sunset Review Act in accordance with s. 119.15
227 and shall stand repealed on October 2, 2019, unless reviewed and
228 saved from repeal through reenactment by the Legislature.

229 p. The home addresses, telephone numbers, dates of birth,
230 and photographs of current or former impaired practitioner
231 consultants who are retained by an agency or current or former
232 employees of an impaired practitioner consultant whose duties
233 result in a determination of a person's skill and safety to
234 practice a licensed profession; the names, home addresses,
235 telephone numbers, dates of birth, and places of employment of
236 the spouses and children of such consultants or their employees;
237 and the names and locations of schools and day care facilities
238 attended by the children of such consultants or employees are
239 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
240 Constitution. This sub-subparagraph is subject to the Open
241 Government Sunset Review Act in accordance with s. 119.15 and
242 shall stand repealed on October 2, 2020, unless reviewed and
243 saved from repeal through reenactment by the Legislature.

244 q. The home addresses, telephone numbers, dates of birth,
245 and photographs of current or former emergency medical
246 technicians or paramedics certified under chapter 401; the
247 names, home addresses, telephone numbers, dates of birth, and
248 places of employment of the spouses and children of such
249 emergency medical technicians or paramedics; and the names and
250 locations of schools and day care facilities attended by the

251 children of such emergency medical technicians or paramedics are
252 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
253 Constitution. This sub-subparagraph is subject to the Open
254 Government Sunset Review Act in accordance with s. 119.15 and
255 shall stand repealed on October 2, 2021, unless reviewed and
256 saved from repeal through reenactment by the Legislature.

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

272 s. The home addresses, telephone numbers, social security
273 numbers, dates of birth, and photographs of current or former
274 directors, managers, supervisors, and clinical employees of a
275 child advocacy center that meets the requirements of s. 39.3035

276 and the members of a child protection team as provided in s.
277 39.303 whose duties include supporting the investigation of
278 child abuse or sexual abuse, child abandonment, child neglect,
279 or child exploitation or to provide services as part of a
280 multidisciplinary case review team; the home addresses,
281 telephone numbers, social security numbers, photographs, dates
282 of birth, and places of employment of the spouses and children
283 of such personnel; and the names and locations of schools and
284 day care facilities attended by the children of such personnel
285 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
286 Constitution. An agency that is the custodian of information
287 specified in this sub-subparagraph shall maintain the exempt
288 status of such information only if the current or former
289 director, manager, supervisor, or clinical employee of a child
290 advocacy center that meets the requirements of s. 39.3035 or the
291 member of a child protection team as provided in s. 39.303
292 submits a written request for the maintenance of the exemption
293 to the custodial agency. This sub-subparagraph is subject to the
294 Open Government Sunset Review Act in accordance with s. 119.15
295 and shall stand repealed on October 2, 2023, unless reviewed and
296 saved from repeal through reenactment by the Legislature.

297 3. An agency that is the custodian of the information
298 specified in subparagraph 2. and that is not the employer of the
299 officer, employee, justice, judge, or other person specified in
300 subparagraph 2. shall maintain the exempt status of that

HB 417

2018

301 information only if the officer, employee, justice, judge, other
302 person, or employing agency of the designated employee submits a
303 written request for maintenance of the exemption to the
304 custodial agency.

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

308 Section 2. (1) The Legislature finds that it is a public
309 necessity that the following identifying and location
310 information be exempt from s. 119.07(1), Florida Statutes, and
311 s. 24(a), Article I of the State Constitution:

312 (a) The home addresses, telephone numbers, social security
313 numbers, dates of birth, and photographs of current or former
314 directors, managers, supervisors, and clinical employees of a
315 child advocacy center that meets the requirements of s. 39.3035,
316 Florida Statutes.

317 (b) The home addresses, telephone numbers, social security
318 numbers, dates of birth, and photographs of current or former
319 members of a child protection team as provided in s. 39.303,
320 Florida Statutes.

321 (c) The home addresses, telephone numbers, social security
322 numbers, photographs, dates of birth, and places of employment
323 of the spouses and children of personnel identified in
324 paragraphs (a) and (b).

325 (d) The names and locations of schools and day care
326 facilities attended by the children of such personnel.

327 (2) The Legislature finds that the release of such
328 identifying and location information may place current or former
329 directors, managers, supervisors, and clinical employees of a
330 child advocacy center that meets the requirements of s. 39.3035,
331 Florida Statutes, and the members of a child protection team as
332 provided in s. 39.303, Florida Statutes, and the family members
333 of such personnel, in danger of physical and emotional harm from
334 disgruntled individuals who may react inappropriately and
335 violently to actions taken by such personnel. These personnel
336 provide necessary and appropriate support services to abused,
337 abandoned, neglected, and exploited children who are some of the
338 state's most vulnerable residents. Despite the value of these
339 services, an individual may become dissatisfied with the
340 assistance provided, or the recommendations or decisions these
341 personnel make, which may result in a director, manager,
342 supervisor, or clinical employee of a child advocacy center, a
343 member of a child protection team, or a family member of such
344 personnel becoming a potential target for an act of revenge. The
345 risk continues after such personnel concludes his or her service
346 because a disgruntled individual may wait to commit an act of
347 revenge until such personnel no longer holds a position at a
348 child advocacy center or on a child protection team. The harm
349 that may result from the release of such personal identifying

HB 417

2018

350 | and location information outweighs any public benefit that may
351 | be derived from the disclosure of the information.

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