

By Senator Burgess

20-00270A-22

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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 current and former county
6 attorneys, assistant county attorneys, city attorneys,
7 and assistant city attorneys, and the names and
8 personal identifying and location information of the
9 spouses and children of such attorneys; providing
10 applicability; providing for retroactive application;
11 providing for future legislative review and repeal;
12 providing a statement of public necessity; providing
13 an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraph (d) of subsection (4) of section
18 119.071, Florida Statutes, is amended to read:

19 119.071 General exemptions from inspection or copying of
20 public records.—

21 (4) AGENCY PERSONNEL INFORMATION.—

22 (d)1. For purposes of this paragraph, the term:

23 a. "Home addresses" means the dwelling location at which an
24 individual resides and includes the physical address, mailing
25 address, street address, parcel identification number, plot
26 identification number, legal property description, neighborhood
27 name and lot number, GPS coordinates, and any other descriptive
28 property information that may reveal the home address.

29 b. "Telephone numbers" includes home telephone numbers,

20-00270A-22

20221420__

30 personal cellular telephone numbers, personal pager telephone
31 numbers, and telephone numbers associated with personal
32 communications devices.

33 2.a. The home addresses, telephone numbers, dates of birth,
34 and photographs of active or former sworn law enforcement
35 personnel or of active or former civilian personnel employed by
36 a law enforcement agency, including correctional and
37 correctional probation officers, personnel of the Department of
38 Children and Families whose duties include the investigation of
39 abuse, neglect, exploitation, fraud, theft, or other criminal
40 activities, personnel of the Department of Health whose duties
41 are to support the investigation of child abuse or neglect, and
42 personnel of the Department of Revenue or local governments
43 whose responsibilities include revenue collection and
44 enforcement or child support enforcement; the names, home
45 addresses, telephone numbers, photographs, dates of birth, and
46 places of employment of the spouses and children of such
47 personnel; and the names and locations of schools and day care
48 facilities attended by the children of such personnel are exempt
49 from s. 119.07(1) and s. 24(a), Art. I of the State
50 Constitution.

51 b. The home addresses, telephone numbers, dates of birth,
52 and photographs of current or former nonsworn investigative
53 personnel of the Department of Financial Services whose duties
54 include the investigation of fraud, theft, workers' compensation
55 coverage requirements and compliance, other related criminal
56 activities, or state regulatory requirement violations; the
57 names, home addresses, telephone numbers, dates of birth, and
58 places of employment of the spouses and children of such

20-00270A-22

20221420__

59 personnel; and the names and locations of schools and day care
60 facilities attended by the children of such personnel are exempt
61 from s. 119.07(1) and s. 24(a), Art. I of the State
62 Constitution.

63 c. The home addresses, telephone numbers, dates of birth,
64 and photographs of current or former nonsworn investigative
65 personnel of the Office of Financial Regulation's Bureau of
66 Financial Investigations whose duties include the investigation
67 of fraud, theft, other related criminal activities, or state
68 regulatory requirement violations; the names, home addresses,
69 telephone numbers, dates of birth, and places of employment of
70 the spouses and children of such personnel; and the names and
71 locations of schools and day care facilities attended by the
72 children of such personnel are exempt from s. 119.07(1) and s.
73 24(a), Art. I of the State Constitution.

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.

82 e. The home addresses, dates of birth, and telephone
83 numbers of current or former justices of the Supreme Court,
84 district court of appeal judges, circuit court judges, and
85 county court judges; the names, home addresses, telephone
86 numbers, dates of birth, and places of employment of the spouses
87 and children of current or former justices and judges; and the

20-00270A-22

20221420__

88 names and locations of schools and day care facilities attended
89 by the children of current or former justices and judges are
90 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
91 Constitution.

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

104 g. The home addresses, dates of birth, and telephone
105 numbers of general magistrates, special magistrates, judges of
106 compensation claims, administrative law judges of the Division
107 of Administrative Hearings, and child support enforcement
108 hearing officers; the names, home addresses, telephone numbers,
109 dates of birth, and places of employment of the spouses and
110 children of general magistrates, special magistrates, judges of
111 compensation claims, administrative law judges of the Division
112 of Administrative Hearings, and child support enforcement
113 hearing officers; and the names and locations of schools and day
114 care facilities attended by the children of general magistrates,
115 special magistrates, judges of compensation claims,
116 administrative law judges of the Division of Administrative

20-00270A-22

20221420__

117 Hearings, and child support enforcement hearing officers are
118 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
119 Constitution.

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

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

140 j. The home addresses, telephone numbers, places of
141 employment, dates of birth, and photographs of current or former
142 guardians ad litem, as defined in s. 39.820; the names, home
143 addresses, telephone numbers, dates of birth, and places of
144 employment of the spouses and children of such persons; and the
145 names and locations of schools and day care facilities attended

20-00270A-22

20221420__

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

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

165 l. The home addresses, telephone numbers, dates of birth,
166 and photographs of current or former public defenders, assistant
167 public defenders, criminal conflict and civil regional counsel,
168 and assistant criminal conflict and civil regional counsel; the
169 names, home addresses, telephone numbers, dates of birth, and
170 places of employment of the spouses and children of current or
171 former public defenders, assistant public defenders, criminal
172 conflict and civil regional counsel, and assistant criminal
173 conflict and civil regional counsel; and the names and locations
174 of schools and day care facilities attended by the children of

20-00270A-22

20221420__

175 current or former public defenders, assistant public defenders,
176 criminal conflict and civil regional counsel, and assistant
177 criminal conflict and civil regional counsel are exempt from s.
178 119.07(1) and s. 24(a), Art. I of the State Constitution.

179 m. The home addresses, telephone numbers, dates of birth,
180 and photographs of current or former investigators or inspectors
181 of the Department of Business and Professional Regulation; the
182 names, home addresses, telephone numbers, dates of birth, and
183 places of employment of the spouses and children of such current
184 or former investigators and inspectors; and the names and
185 locations of schools and day care facilities attended by the
186 children of such current or former investigators and inspectors
187 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
188 Constitution.

189 n. The home addresses, telephone numbers, and dates of
190 birth of county tax collectors; the names, home addresses,
191 telephone numbers, dates of birth, and places of employment of
192 the spouses and children of such tax collectors; and the names
193 and locations of schools and day care facilities attended by the
194 children of such tax collectors are exempt from s. 119.07(1) and
195 s. 24(a), Art. I of the State Constitution.

196 o. The home addresses, telephone numbers, dates of birth,
197 and photographs of current or former personnel of the Department
198 of Health whose duties include, or result in, the determination
199 or adjudication of eligibility for social security disability
200 benefits, the investigation or prosecution of complaints filed
201 against health care practitioners, or the inspection of health
202 care practitioners or health care facilities licensed by the
203 Department of Health; the names, home addresses, telephone

20-00270A-22

20221420__

204 numbers, dates of birth, and places of employment of the spouses
205 and children of such personnel; and the names and locations of
206 schools and day care facilities attended by the children of such
207 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
208 the State Constitution.

209 p. The home addresses, telephone numbers, dates of birth,
210 and photographs of current or former impaired practitioner
211 consultants who are retained by an agency or current or former
212 employees of an impaired practitioner consultant whose duties
213 result in a determination of a person's skill and safety to
214 practice a licensed profession; the names, home addresses,
215 telephone numbers, dates of birth, and places of employment of
216 the spouses and children of such consultants or their employees;
217 and the names and locations of schools and day care facilities
218 attended by the children of such consultants or employees are
219 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
220 Constitution.

221 q. The home addresses, telephone numbers, dates of birth,
222 and photographs of current or former emergency medical
223 technicians or paramedics certified under chapter 401; the
224 names, home addresses, telephone numbers, dates of birth, and
225 places of employment of the spouses and children of such
226 emergency medical technicians or paramedics; and the names and
227 locations of schools and day care facilities attended by the
228 children of such emergency medical technicians or paramedics are
229 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
230 Constitution.

231 r. The home addresses, telephone numbers, dates of birth,
232 and photographs of current or former personnel employed in an

20-00270A-22

20221420__

233 agency's office of inspector general or internal audit
234 department whose duties include auditing or investigating waste,
235 fraud, abuse, theft, exploitation, or other activities that
236 could lead to criminal prosecution or administrative discipline;
237 the names, home addresses, telephone numbers, dates of birth,
238 and places of employment of spouses and children of such
239 personnel; and the names and locations of schools and day care
240 facilities attended by the children of such personnel are exempt
241 from s. 119.07(1) and s. 24(a), Art. I of the State
242 Constitution.

243 s. The home addresses, telephone numbers, dates of birth,
244 and photographs of current or former directors, managers,
245 supervisors, nurses, and clinical employees of an addiction
246 treatment facility; the home addresses, telephone numbers,
247 photographs, dates of birth, and places of employment of the
248 spouses and children of such personnel; and the names and
249 locations of schools and day care facilities attended by the
250 children of such personnel are exempt from s. 119.07(1) and s.
251 24(a), Art. I of the State Constitution. For purposes of this
252 sub-subparagraph, the term "addiction treatment facility" means
253 a county government, or agency thereof, that is licensed
254 pursuant to s. 397.401 and provides substance abuse prevention,
255 intervention, or clinical treatment, including any licensed
256 service component described in s. 397.311(26).

257 t. The home addresses, telephone numbers, dates of birth,
258 and photographs of current or former directors, managers,
259 supervisors, and clinical employees of a child advocacy center
260 that meets the standards of s. 39.3035(2) and fulfills the
261 screening requirement of s. 39.3035(3), and the members of a

20-00270A-22

20221420__

262 Child Protection Team as described in s. 39.303 whose duties
263 include supporting the investigation of child abuse or sexual
264 abuse, child abandonment, child neglect, and child exploitation
265 or to provide services as part of a multidisciplinary case
266 review team; the names, home addresses, telephone numbers,
267 photographs, dates of birth, and places of employment of the
268 spouses and children of such personnel and members; and the
269 names and locations of schools and day care facilities attended
270 by the children of such personnel and members are exempt from s.
271 119.07(1) and s. 24(a), Art. I of the State Constitution.

272 u. The home addresses, telephone numbers, places of
273 employment, dates of birth, and photographs of current or former
274 staff and domestic violence advocates, as defined in s.
275 90.5036(1)(b), of domestic violence centers certified by the
276 Department of Children and Families under chapter 39; the names,
277 home addresses, telephone numbers, places of employment, dates
278 of birth, and photographs of the spouses and children of such
279 personnel; and the names and locations of schools and day care
280 facilities attended by the children of such personnel are exempt
281 from s. 119.07(1) and s. 24(a), Art. I of the State
282 Constitution.

283 v. The home addresses, telephone numbers, dates of birth,
284 and photographs of current or former county attorneys, assistant
285 county attorneys, city attorneys, and assistant city attorneys;
286 the names, home addresses, telephone numbers, dates of birth,
287 photographs, and places of employment of the spouses and
288 children of current or former county attorneys, assistant county
289 attorneys, city attorneys, and assistant city attorneys; and the
290 names and locations of schools and day care facilities attended

20-00270A-22

20221420__

291 by the children of current or former county attorneys, assistant
292 county attorneys, city attorneys, and assistant city attorneys
293 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
294 Constitution. This exemption does not apply to a current or
295 former county attorney, assistant county attorney, city
296 attorney, or assistant city attorney who qualifies as a
297 candidate for election to public office.

298 3. An agency that is the custodian of the information
299 specified in subparagraph 2. and that is not the employer of the
300 officer, employee, justice, judge, or other person specified in
301 subparagraph 2. must maintain the exempt status of that
302 information only if the officer, employee, justice, judge, other
303 person, or employing agency of the designated employee submits a
304 written and notarized request for maintenance of the exemption
305 to the custodial agency. The request must state under oath the
306 statutory basis for the individual's exemption request and
307 confirm the individual's status as a party eligible for exempt
308 status.

309 4.a. A county property appraiser, as defined in s.
310 192.001(3), or a county tax collector, as defined in s.
311 192.001(4), who receives a written and notarized request for
312 maintenance of the exemption pursuant to subparagraph 3. must
313 comply by removing the name of the individual with exempt status
314 and the instrument number or Official Records book and page
315 number identifying the property with the exempt status from all
316 publicly available records maintained by the property appraiser
317 or tax collector. For written requests received on or before
318 July 1, 2021, a county property appraiser or county tax
319 collector must comply with this sub-subparagraph by October 1,

20-00270A-22

20221420__

320 2021. A county property appraiser or county tax collector may
321 not remove the street address, legal description, or other
322 information identifying real property within the agency's
323 records so long as a name or personal information otherwise
324 exempt from inspection and copying pursuant to this section are
325 not associated with the property or otherwise displayed in the
326 public records of the agency.

327 b. Any information restricted from public display,
328 inspection, or copying under sub-subparagraph a. must be
329 provided to the individual whose information was removed.

330 5. An officer, an employee, a justice, a judge, or other
331 person specified in subparagraph 2. may submit a written request
332 for the release of his or her exempt information to the
333 custodial agency. The written request must be notarized and must
334 specify the information to be released and the party authorized
335 to receive the information. Upon receipt of the written request,
336 the custodial agency must release the specified information to
337 the party authorized to receive such information.

338 6. The exemptions in this paragraph apply to information
339 held by an agency before, on, or after the effective date of the
340 exemption.

341 7. Information made exempt under this paragraph may be
342 disclosed pursuant to s. 28.2221 to a title insurer authorized
343 pursuant to s. 624.401 and its affiliates as defined in s.
344 624.10; a title insurance agent or title insurance agency as
345 defined in s. 626.841(1) or (2), respectively; or an attorney
346 duly admitted to practice law in this state and in good standing
347 with The Florida Bar.

348 8. The exempt status of a home address contained in the

20-00270A-22

20221420__

349 Official Records is maintained only during the period when a
350 protected party resides at the dwelling location. Upon
351 conveyance of real property after October 1, 2021, and when such
352 real property no longer constitutes a protected party's home
353 address as defined in sub-subparagraph 1.a., the protected party
354 must submit a written request to release the removed information
355 to the county recorder. The written request to release the
356 removed information must be notarized, must confirm that a
357 protected party's request for release is pursuant to a
358 conveyance of his or her dwelling location, and must specify the
359 Official Records book and page, instrument number, or clerk's
360 file number for each document containing the information to be
361 released.

362 9. Upon the death of a protected party as verified by a
363 certified copy of a death certificate or court order, any party
364 can request the county recorder to release a protected
365 decedent's removed information unless there is a related request
366 on file with the county recorder for continued removal of the
367 decedent's information or unless such removal is otherwise
368 prohibited by statute or by court order. The written request to
369 release the removed information upon the death of a protected
370 party must attach the certified copy of a death certificate or
371 court order and must be notarized, must confirm the request for
372 release is due to the death of a protected party, and must
373 specify the Official Records book and page number, instrument
374 number, or clerk's file number for each document containing the
375 information to be released. A fee may not be charged for the
376 release of any document pursuant to such request.

377 10. This paragraph is subject to the Open Government Sunset

20-00270A-22

20221420__

378 Review Act in accordance with s. 119.15 and shall stand repealed
379 on October 2, 2024, unless reviewed and saved from repeal
380 through reenactment by the Legislature.

381 Section 2. The Legislature finds that it is a public
382 necessity that the home addresses, telephone numbers, dates of
383 birth, and photographs of current or former county attorneys,
384 assistant county attorneys, city attorneys, and assistant city
385 attorneys be made exempt from s. 119.07(1), Florida Statutes,
386 and s. 24(a), Article I of the State Constitution. The
387 Legislature further finds that it is a public necessity that the
388 names, home addresses, telephone numbers, dates of birth,
389 photographs, and places of employment of the spouses and
390 children of current or former county attorneys, assistant county
391 attorneys, city attorneys, and assistant city attorneys, and the
392 names and locations of schools and day care facilities attended
393 by the children of such attorneys, be made exempt from s.
394 119.07(1), Florida Statutes, and s. 24(a), Article I of the
395 State Constitution. The responsibilities of county attorneys,
396 assistant county attorneys, city attorneys, and assistant city
397 attorneys regularly involve legal enforcement proceedings in
398 areas of neglect and abuse related to violations of codes and
399 ordinances. Legal enforcement proceedings have led to
400 retribution and threats by defendants and other persons on
401 numerous occasions. Such attorneys have received death threats
402 and e-mails from disgruntled persons advocating the murder of
403 other attorneys. Other incidents have included the stalking of
404 such attorneys and their spouses and children. The Legislature
405 finds that the release of such personal identifying and location
406 information could place such persons in danger of being

20-00270A-22

20221420__

407 physically or emotionally harmed or stalked by a defendant or
408 another person. The Legislature finds that the harm that may
409 result from the release of such personal identifying and
410 location information outweighs any public benefit that may be
411 derived from the disclosure of the information.

412 Section 3. This act shall take effect July 1, 2022.