

By the Committee on Community Affairs; and Senator Burgess

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

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

17
18 Section 1. Paragraph (d) of subsection (4) of section
19 119.071, Florida Statutes, is amended to read:

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

22 (4) AGENCY PERSONNEL INFORMATION.—

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

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

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30 b. "Telephone numbers" includes home telephone numbers,
31 personal cellular telephone numbers, personal pager telephone
32 numbers, and telephone numbers associated with personal
33 communications devices.

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

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

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

64 c. The home addresses, telephone numbers, dates of birth,
65 and photographs of current or former nonsworn investigative
66 personnel of the Office of Financial Regulation's Bureau of
67 Financial Investigations whose duties include the investigation
68 of fraud, theft, other related criminal activities, or state
69 regulatory requirement violations; the names, home addresses,
70 telephone numbers, dates of birth, and places of employment of
71 the spouses and children of such personnel; and the names and
72 locations of schools and day care facilities attended by the
73 children of such personnel are exempt from s. 119.07(1) and s.
74 24(a), Art. I of the State Constitution.

75 d. The home addresses, telephone numbers, dates of birth,
76 and photographs of current or former firefighters certified in
77 compliance with s. 633.408; the names, home addresses, telephone
78 numbers, photographs, dates of birth, and places of employment
79 of the spouses and children of such firefighters; and the names
80 and locations of schools and day care facilities attended by the
81 children of such firefighters are exempt from s. 119.07(1) and
82 s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

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

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

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146 names and locations of schools and day care facilities attended
147 by the children of such persons are exempt from s. 119.07(1) and
148 s. 24(a), Art. I of the State Constitution.

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

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

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175 of schools and day care facilities attended by the children of
176 current or former public defenders, assistant public defenders,
177 criminal conflict and civil regional counsel, and assistant
178 criminal conflict and civil regional counsel are exempt from s.
179 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

232 r. The home addresses, telephone numbers, dates of birth,

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

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

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

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262 screening requirement of s. 39.3035(3), and the members of a
263 Child Protection Team as described in s. 39.303 whose duties
264 include supporting the investigation of child abuse or sexual
265 abuse, child abandonment, child neglect, and child exploitation
266 or to provide services as part of a multidisciplinary case
267 review team; the names, home addresses, telephone numbers,
268 photographs, dates of birth, and places of employment of the
269 spouses and children of such personnel and members; and the
270 names and locations of schools and day care facilities attended
271 by the children of such personnel and members are exempt from s.
272 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

284 v. The home addresses, telephone numbers, and dates of
285 birth of current or former county attorneys, deputy county
286 attorneys, assistant county attorneys, city attorneys, deputy
287 city attorneys, and assistant city attorneys; the names, home
288 addresses, telephone numbers, dates of birth, and places of
289 employment of the spouses and children of current or former
290 county attorneys, deputy county attorneys, assistant county

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291 attorneys, city attorneys, deputy city attorneys, and assistant
292 city attorneys; and the names and locations of schools and day
293 care facilities attended by the children of current or former
294 county attorneys, deputy county attorneys, assistant county
295 attorneys, city attorneys, deputy city attorneys, and assistant
296 city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I
297 of the State Constitution. This exemption does not apply to a
298 current or former county attorney, deputy county attorney,
299 assistant county attorney, city attorney, deputy city attorney,
300 or assistant city attorney who qualifies as a candidate for
301 election to public office.

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

313 4.a. A county property appraiser, as defined in s.
314 192.001(3), or a county tax collector, as defined in s.
315 192.001(4), who receives a written and notarized request for
316 maintenance of the exemption pursuant to subparagraph 3. must
317 comply by removing the name of the individual with exempt status
318 and the instrument number or Official Records book and page
319 number identifying the property with the exempt status from all

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320 publicly available records maintained by the property appraiser
321 or tax collector. For written requests received on or before
322 July 1, 2021, a county property appraiser or county tax
323 collector must comply with this sub-subparagraph by October 1,
324 2021. A county property appraiser or county tax collector may
325 not remove the street address, legal description, or other
326 information identifying real property within the agency's
327 records so long as a name or personal information otherwise
328 exempt from inspection and copying pursuant to this section are
329 not associated with the property or otherwise displayed in the
330 public records of the agency.

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

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

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

345 7. Information made exempt under this paragraph may be
346 disclosed pursuant to s. 28.2221 to a title insurer authorized
347 pursuant to s. 624.401 and its affiliates as defined in s.
348 624.10; a title insurance agent or title insurance agency as

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349 defined in s. 626.841(1) or (2), respectively; or an attorney
350 duly admitted to practice law in this state and in good standing
351 with The Florida Bar.

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

366 9. Upon the death of a protected party as verified by a
367 certified copy of a death certificate or court order, any party
368 can request the county recorder to release a protected
369 decedent's removed information unless there is a related request
370 on file with the county recorder for continued removal of the
371 decedent's information or unless such removal is otherwise
372 prohibited by statute or by court order. The written request to
373 release the removed information upon the death of a protected
374 party must attach the certified copy of a death certificate or
375 court order and must be notarized, must confirm the request for
376 release is due to the death of a protected party, and must
377 specify the Official Records book and page number, instrument

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378 number, or clerk's file number for each document containing the
379 information to be released. A fee may not be charged for the
380 release of any document pursuant to such request.

381 10. This paragraph is subject to the Open Government Sunset
382 Review Act in accordance with s. 119.15 and shall stand repealed
383 on October 2, 2024, unless reviewed and saved from repeal
384 through reenactment by the Legislature.

385 Section 2. The Legislature finds that it is a public
386 necessity that the home addresses, telephone numbers, and dates
387 of birth of current or former county attorneys, deputy county
388 attorneys, assistant county attorneys, city attorneys, deputy
389 city attorneys, and assistant city attorneys be made exempt from
390 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
391 State Constitution. The Legislature further finds that it is a
392 public necessity that the names, home addresses, telephone
393 numbers, dates of birth, and places of employment of the spouses
394 and children of current or former county attorneys, deputy
395 county attorneys, assistant county attorneys, city attorneys,
396 deputy city attorneys, and assistant city attorneys, and the
397 names and locations of schools and day care facilities attended
398 by the children of such attorneys, be made exempt from s.
399 119.07(1), Florida Statutes, and s. 24(a), Article I of the
400 State Constitution. The responsibilities of county attorneys,
401 deputy county attorneys, assistant county attorneys, city
402 attorneys, deputy city attorneys, and assistant city attorneys
403 regularly involve legal enforcement proceedings in areas of
404 neglect and abuse related to violations of codes and ordinances.
405 Legal enforcement proceedings have led to retribution and
406 threats by defendants and other persons on numerous occasions.

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407 Such attorneys have received death threats and e-mails from
408 disgruntled persons advocating the murder of other attorneys.
409 Other incidents have included the stalking of such attorneys and
410 their spouses and children. The Legislature finds that the
411 release of such personal identifying and location information
412 could place such persons in danger of being physically or
413 emotionally harmed or stalked by a defendant or another person.
414 The Legislature finds that the harm that may result from the
415 release of such personal identifying and location information
416 outweighs any public benefit that may be derived from the
417 disclosure of the information.

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