

HB 391

2022

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 current and former judicial
6 assistants and their spouses and children; providing
7 for retroactive application of the exemption;
8 providing for future legislative review and repeal of
9 the exemption; providing a statement of public
10 necessity; providing an effective date.

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

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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:

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

26 b. "Telephone numbers" includes home telephone numbers,
27 personal cellular telephone numbers, personal pager telephone
28 numbers, and telephone numbers associated with personal
29 communications devices.

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

48 b. The home addresses, telephone numbers, dates of birth,
49 and photographs of current or former nonsworn investigative
50 personnel of the Department of Financial Services whose duties

51 include the investigation of fraud, theft, workers' compensation
52 coverage requirements and compliance, other related criminal
53 activities, or state regulatory requirement violations; the
54 names, home addresses, telephone numbers, dates of birth, and
55 places of employment of the spouses and children of such
56 personnel; and the names and locations of schools and day care
57 facilities attended by the children of such personnel are exempt
58 from s. 119.07(1) and s. 24(a), Art. I of the State
59 Constitution.

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

71 d. The home addresses, telephone numbers, dates of birth,
72 and photographs of current or former firefighters certified in
73 compliance with s. 633.408; the names, home addresses, telephone
74 numbers, photographs, dates of birth, and places of employment
75 of the spouses and children of such firefighters; and the names

76 | and locations of schools and day care facilities attended by the
 77 | children of such firefighters are exempt from s. 119.07(1) and
 78 | s. 24(a), Art. I of the State Constitution.

79 | e. The home addresses, dates of birth, and telephone
 80 | numbers of current or former justices of the Supreme Court,
 81 | district court of appeal judges, circuit court judges, ~~and~~
 82 | county court judges, and judicial assistants; the names, home
 83 | addresses, telephone numbers, dates of birth, and places of
 84 | employment of the spouses and children of current or former
 85 | justices, ~~and judges~~, and judicial assistants; and the names and
 86 | locations of schools and day care facilities attended by the
 87 | children of current or former justices, ~~and judges~~, and judicial
 88 | assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of
 89 | the State Constitution.

90 | f. The home addresses, telephone numbers, dates of birth,
 91 | and photographs of current or former state attorneys, assistant
 92 | state attorneys, statewide prosecutors, or assistant statewide
 93 | prosecutors; the names, home addresses, telephone numbers,
 94 | photographs, dates of birth, and places of employment of the
 95 | spouses and children of current or former state attorneys,
 96 | assistant state attorneys, statewide prosecutors, or assistant
 97 | statewide prosecutors; and the names and locations of schools
 98 | and day care facilities attended by the children of current or
 99 | former state attorneys, assistant state attorneys, statewide
 100 | prosecutors, or assistant statewide prosecutors are exempt from

101 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

102 g. The home addresses, dates of birth, and telephone
103 numbers of general magistrates, special magistrates, judges of
104 compensation claims, administrative law judges of the Division
105 of Administrative Hearings, and child support enforcement
106 hearing officers; the names, home addresses, telephone numbers,
107 dates of birth, and places of employment of the spouses and
108 children of general magistrates, special magistrates, judges of
109 compensation claims, administrative law judges of the Division
110 of Administrative Hearings, and child support enforcement
111 hearing officers; and the names and locations of schools and day
112 care facilities attended by the children of general magistrates,
113 special magistrates, judges of compensation claims,
114 administrative law judges of the Division of Administrative
115 Hearings, and child support enforcement hearing officers are
116 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
117 Constitution.

118 h. The home addresses, telephone numbers, dates of birth,
119 and photographs of current or former human resource, labor
120 relations, or employee relations directors, assistant directors,
121 managers, or assistant managers of any local government agency
122 or water management district whose duties include hiring and
123 firing employees, labor contract negotiation, administration, or
124 other personnel-related duties; the names, home addresses,
125 telephone numbers, dates of birth, and places of employment of

126 | the spouses and children of such personnel; and the names and
 127 | locations of schools and day care facilities attended by the
 128 | children of such personnel are exempt from s. 119.07(1) and s.
 129 | 24(a), Art. I of the State Constitution.

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

138 | j. The home addresses, telephone numbers, places of
 139 | employment, dates of birth, and photographs of current or former
 140 | guardians ad litem, as defined in s. 39.820; the names, home
 141 | addresses, telephone numbers, dates of birth, and places of
 142 | employment of the spouses and children of such persons; and the
 143 | names and locations of schools and day care facilities attended
 144 | by the children of such persons are exempt from s. 119.07(1) and
 145 | s. 24(a), Art. I of the State Constitution.

146 | k. The home addresses, telephone numbers, dates of birth,
 147 | and photographs of current or former juvenile probation
 148 | officers, juvenile probation supervisors, detention
 149 | superintendents, assistant detention superintendents, juvenile
 150 | justice detention officers I and II, juvenile justice detention

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

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

176 | 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

219 q. The home addresses, telephone numbers, dates of birth,
220 and photographs of current or former emergency medical
221 technicians or paramedics certified under chapter 401; the
222 names, home addresses, telephone numbers, dates of birth, and
223 places of employment of the spouses and children of such
224 emergency medical technicians or paramedics; and the names and
225 locations of schools and day care facilities attended by the

226 children of such emergency medical technicians or paramedics are
227 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
228 Constitution.

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

241 s. The home addresses, telephone numbers, dates of birth,
242 and photographs of current or former directors, managers,
243 supervisors, nurses, and clinical employees of an addiction
244 treatment facility; the home addresses, telephone numbers,
245 photographs, dates of birth, and places of employment of the
246 spouses and children of such personnel; and the names and
247 locations of schools and day care facilities attended by the
248 children of such personnel are exempt from s. 119.07(1) and s.
249 24(a), Art. I of the State Constitution. For purposes of this
250 sub-subparagraph, the term "addiction treatment facility" means

251 a county government, or agency thereof, that is licensed
252 pursuant to s. 397.401 and provides substance abuse prevention,
253 intervention, or clinical treatment, including any licensed
254 service component described in s. 397.311(26).

255 t. The home addresses, telephone numbers, dates of birth,
256 and photographs of current or former directors, managers,
257 supervisors, and clinical employees of a child advocacy center
258 that meets the standards of s. 39.3035(2) and fulfills the
259 screening requirement of s. 39.3035(3), and the members of a
260 Child Protection Team as described in s. 39.303 whose duties
261 include supporting the investigation of child abuse or sexual
262 abuse, child abandonment, child neglect, and child exploitation
263 or to provide services as part of a multidisciplinary case
264 review team; the names, home addresses, telephone numbers,
265 photographs, dates of birth, and places of employment of the
266 spouses and children of such personnel and members; and the
267 names and locations of schools and day care facilities attended
268 by the children of such personnel and members are exempt from s.
269 119.07(1) and s. 24(a), Art. I of the State Constitution.

270 u. The home addresses, telephone numbers, places of
271 employment, dates of birth, and photographs of current or former
272 staff and domestic violence advocates, as defined in s.
273 90.5036(1)(b), of domestic violence centers certified by the
274 Department of Children and Families under chapter 39; the names,
275 home addresses, telephone numbers, places of employment, dates

276 of birth, and photographs of the spouses and children of such
277 personnel; and the names and locations of schools and day care
278 facilities attended by the children of such personnel are exempt
279 from s. 119.07(1) and s. 24(a), Art. I of the State
280 Constitution.

281 3. An agency that is the custodian of the information
282 specified in subparagraph 2. and that is not the employer of the
283 officer, employee, justice, judge, or other person specified in
284 subparagraph 2. must maintain the exempt status of that
285 information only if the officer, employee, justice, judge, other
286 person, or employing agency of the designated employee submits a
287 written and notarized request for maintenance of the exemption
288 to the custodial agency. The request must state under oath the
289 statutory basis for the individual's exemption request and
290 confirm the individual's status as a party eligible for exempt
291 status.

292 4.a. A county property appraiser, as defined in s.
293 192.001(3), or a county tax collector, as defined in s.
294 192.001(4), who receives a written and notarized request for
295 maintenance of the exemption pursuant to subparagraph 3. must
296 comply by removing the name of the individual with exempt status
297 and the instrument number or Official Records book and page
298 number identifying the property with the exempt status from all
299 publicly available records maintained by the property appraiser
300 or tax collector. For written requests received on or before

301 July 1, 2021, a county property appraiser or county tax
 302 collector must comply with this sub-subparagraph by October 1,
 303 2021. A county property appraiser or county tax collector may
 304 not remove the street address, legal description, or other
 305 information identifying real property within the agency's
 306 records so long as a name or personal information otherwise
 307 exempt from inspection and copying pursuant to this section are
 308 not associated with the property or otherwise displayed in the
 309 public records of the agency.

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

313 5. An officer, an employee, a justice, a judge, or other
 314 person specified in subparagraph 2. may submit a written request
 315 for the release of his or her exempt information to the
 316 custodial agency. The written request must be notarized and must
 317 specify the information to be released and the party authorized
 318 to receive the information. Upon receipt of the written request,
 319 the custodial agency must release the specified information to
 320 the party authorized to receive such information.

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

324 7. Information made exempt under this paragraph may be
 325 disclosed pursuant to s. 28.2221 to a title insurer authorized

326 pursuant to s. 624.401 and its affiliates as defined in s.
327 624.10; a title insurance agent or title insurance agency as
328 defined in s. 626.841(1) or (2), respectively; or an attorney
329 duly admitted to practice law in this state and in good standing
330 with The Florida Bar.

331 8. The exempt status of a home address contained in the
332 Official Records is maintained only during the period when a
333 protected party resides at the dwelling location. Upon
334 conveyance of real property after October 1, 2021, and when such
335 real property no longer constitutes a protected party's home
336 address as defined in sub-subparagraph 1.a., the protected party
337 must submit a written request to release the removed information
338 to the county recorder. The written request to release the
339 removed information must be notarized, must confirm that a
340 protected party's request for release is pursuant to a
341 conveyance of his or her dwelling location, and must specify the
342 Official Records book and page, instrument number, or clerk's
343 file number for each document containing the information to be
344 released.

345 9. Upon the death of a protected party as verified by a
346 certified copy of a death certificate or court order, any party
347 can request the county recorder to release a protected
348 decedent's removed information unless there is a related request
349 on file with the county recorder for continued removal of the
350 decedent's information or unless such removal is otherwise

351 prohibited by statute or by court order. The written request to
352 release the removed information upon the death of a protected
353 party must attach the certified copy of a death certificate or
354 court order and must be notarized, must confirm the request for
355 release is due to the death of a protected party, and must
356 specify the Official Records book and page number, instrument
357 number, or clerk's file number for each document containing the
358 information to be released. A fee may not be charged for the
359 release of any document pursuant to such request.

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

364 Section 2. The Legislature finds that it is a public
365 necessity that the home addresses, dates of birth, and telephone
366 numbers of current or former judicial assistants; the names,
367 home addresses, telephone numbers, dates of birth, and places of
368 employment of the spouses and children of such judicial
369 assistants; and the names and locations of schools and day care
370 facilities attended by the children of such judicial assistants
371 be made exempt from s. 119.07(1), Florida Statutes, and s.
372 24(a), Article I of the State Constitution. Such identifying and
373 location information can be used as a tool to perpetuate fraud
374 against an individual or to acquire sensitive personal,
375 financial, medical, and familial information, the release of

376 which could cause great financial harm to the individual. In the
377 course of assisting in making rulings, entering judgments,
378 imposing sentences, or reviewing cases, judicial assistants may
379 engender ill will with litigants, the accused, the convicted,
380 and their associates and families, thus making the judicial
381 assistants, and their spouses and children, targets for acts of
382 revenge. This risk continues after judicial assistants complete
383 their public service because disgruntled individuals may wait
384 until the employment of a judicial assistant ends to commit an
385 act of revenge. If such identifying and location information is
386 released, the safety of current or former judicial assistants
387 and their spouses and children could be seriously jeopardized.
388 For these reasons, the Legislature finds that it is a public
389 necessity that such information be made exempt from public
390 records requirements.

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