

By the Committee on Governmental Oversight and Accountability;
and Senator Collins

585-03550-23

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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 or former inspectors
6 or investigators of the Department of Agriculture and
7 Consumer Services and the spouses and children of the
8 current or former inspectors or investigators;
9 providing for retroactive application; providing for
10 future legislative review and repeal of the exemption;
11 providing a statement of public necessity; providing
12 an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:
15

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

18 119.071 General exemptions from inspection or copying of
19 public records.—

20 (4) AGENCY PERSONNEL INFORMATION.—

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

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

28 b. "Telephone numbers" includes home telephone numbers,
29 personal cellular telephone numbers, personal pager telephone

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

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

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

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

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

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

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

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88 by the children of current or former justices and judges are
89 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
90 Constitution.

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

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

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117 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
118 Constitution.

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

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

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

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146 s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

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

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

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

230 r. The home addresses, telephone numbers, dates of birth,
231 and photographs of current or former personnel employed in an
232 agency's office of inspector general or internal audit

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

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

256 t. The home addresses, telephone numbers, dates of birth,
257 and photographs of current or former directors, managers,
258 supervisors, and clinical employees of a child advocacy center
259 that meets the standards of s. 39.3035(2) and fulfills the
260 screening requirement of s. 39.3035(3), and the members of a
261 Child Protection Team as described in s. 39.303 whose duties

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

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

282 v. The home addresses, telephone numbers, dates of birth,
283 and photographs of current or former inspectors or investigators
284 of the Department of Agriculture and Consumer Services; the
285 names, home addresses, telephone numbers, dates of birth, and
286 places of employment of the spouses and children of current or
287 former inspectors or investigators; and the names and locations
288 of schools and day care facilities attended by the children of
289 current or former inspectors or investigators are exempt from s.
290 119.07(1) and s. 24(a), Art. I of the State Constitution. This

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291 sub-subparagraph is subject to the Open Government Sunset Review
292 Act in accordance with s. 119.15 and shall stand repealed on
293 October 2, 2028, unless reviewed and saved from repeal through
294 reenactment by the Legislature.

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

306 4.a. A county property appraiser, as defined in s.
307 192.001(3), or a county tax collector, as defined in s.
308 192.001(4), who receives a written and notarized request for
309 maintenance of the exemption pursuant to subparagraph 3. must
310 comply by removing the name of the individual with exempt status
311 and the instrument number or Official Records book and page
312 number identifying the property with the exempt status from all
313 publicly available records maintained by the property appraiser
314 or tax collector. For written requests received on or before
315 July 1, 2021, a county property appraiser or county tax
316 collector must comply with this sub-subparagraph by October 1,
317 2021. A county property appraiser or county tax collector may
318 not remove the street address, legal description, or other
319 information identifying real property within the agency's

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320 records so long as a name or personal information otherwise
321 exempt from inspection and copying pursuant to this section are
322 not associated with the property or otherwise displayed in the
323 public records of the agency.

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

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

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

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

345 8. The exempt status of a home address contained in the
346 Official Records is maintained only during the period when a
347 protected party resides at the dwelling location. Upon
348 conveyance of real property after October 1, 2021, and when such

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

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

374 10. Except as otherwise expressly provided in this
375 paragraph, this paragraph is subject to the Open Government
376 Sunset Review Act in accordance with s. 119.15 and shall stand
377 repealed on October 2, 2024, unless reviewed and saved from

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378 repeal through reenactment by the Legislature.

379 Section 2. The Legislature finds that it is a public
380 necessity that the home addresses, telephone numbers, dates of
381 birth, and photographs of current or former inspectors or
382 investigators of the Department of Agriculture and Consumer
383 Services; the names, home addresses, telephone numbers, dates of
384 birth, and places of employment of the spouses and children of
385 current or former inspectors or investigators; and the names and
386 locations of schools and day care facilities attended by the
387 children of current or former inspectors or investigators be
388 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
389 Article I of the State Constitution. The Legislature finds that
390 the release of such personal identifying and location
391 information might place the department's current or former
392 inspectors or investigators and their family members in danger
393 of physical and emotional harm from disgruntled individuals
394 whose businesses or professional practices have come under the
395 scrutiny of the department. In addition, such personnel may be
396 subject to threats or acts of revenge because of the duties they
397 perform. The Legislature further finds that the harm that may
398 result from the release of such personal identifying and
399 location information outweighs any public benefit that may be
400 derived from the disclosure of the information.

401 Section 3. This act shall take effect July 1, 2023.