

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:

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 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
 23 an individual resides and includes the physical address, mailing
 24 address, street address, parcel identification number, plot
 25 identification number, legal property description, neighborhood

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

32 | 2.a. The home addresses, telephone numbers, dates of
 33 | birth, 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
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
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
 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
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 1. 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,
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

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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
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

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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
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

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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
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,

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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.

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

301 status.

302 4.a. A county property appraiser, as defined in s.

303 192.001(3), or a county tax collector, as defined in s.

304 192.001(4), who receives a written and notarized request for

305 maintenance of the exemption pursuant to subparagraph 3. must

306 comply by removing the name of the individual with exempt status

307 and the instrument number or Official Records book and page

308 number identifying the property with the exempt status from all

309 publicly available records maintained by the property appraiser

310 or tax collector. For written requests received on or before

311 July 1, 2021, a county property appraiser or county tax

312 collector must comply with this sub-subparagraph by October 1,

313 2021. A county property appraiser or county tax collector may

314 not remove the street address, legal description, or other

315 information identifying real property within the agency's

316 records so long as a name or personal information otherwise

317 exempt from inspection and copying pursuant to this section are

318 not associated with the property or otherwise displayed in the

319 public records of the agency.

320 b. Any information restricted from public display,

321 inspection, or copying under sub-subparagraph a. must be

322 provided to the individual whose information was removed.

323 5. An officer, an employee, a justice, a judge, or other

324 person specified in subparagraph 2. may submit a written request

325 for the release of his or her exempt information to the

326 | custodial agency. The written request must be notarized and must
327 | specify the information to be released and the party authorized
328 | to receive the information. Upon receipt of the written request,
329 | the custodial agency must release the specified information to
330 | the party authorized to receive such information.

331 | 6. The exemptions in this paragraph apply to information
332 | held by an agency before, on, or after the effective date of the
333 | exemption.

334 | 7. Information made exempt under this paragraph may be
335 | disclosed pursuant to s. 28.2221 to a title insurer authorized
336 | pursuant to s. 624.401 and its affiliates as defined in s.
337 | 624.10; a title insurance agent or title insurance agency as
338 | defined in s. 626.841(1) or (2), respectively; or an attorney
339 | duly admitted to practice law in this state and in good standing
340 | with The Florida Bar.

341 | 8. The exempt status of a home address contained in the
342 | Official Records is maintained only during the period when a
343 | protected party resides at the dwelling location. Upon
344 | conveyance of real property after October 1, 2021, and when such
345 | real property no longer constitutes a protected party's home
346 | address as defined in sub-subparagraph 1.a., the protected party
347 | must submit a written request to release the removed information
348 | to the county recorder. The written request to release the
349 | removed information must be notarized, must confirm that a
350 | protected party's request for release is pursuant to a

351 conveyance of his or her dwelling location, and must specify the
 352 Official Records book and page, instrument number, or clerk's
 353 file number for each document containing the information to be
 354 released.

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

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

374 Section 2. The Legislature finds that it is a public
 375 necessity that the home addresses, telephone numbers, dates of

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

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