

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

585-02615-23

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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 a definition; adding current
4 judicial assistants and their spouses and children to
5 the list of specified agency personnel and family
6 members to whom an exemption from public records
7 requirements for identification and location
8 information applies; providing for future legislative
9 review and repeal of the exemption; providing for
10 retroactive application of the exemption; providing a
11 statement of public necessity; providing an effective
12 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 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. "Judicial assistant" means a court employee assigned to
29 the following class codes: 8140, 8150, 8310, and 8320.

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30 ~~c.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, and of current judicial assistants; the
87 names, home addresses, telephone numbers, dates of birth, and

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88 places of employment of the spouses and children of current or
89 former justices and judges, and of current judicial assistants;
90 and the names and locations of schools and day care facilities
91 attended by the children of current or former justices and
92 judges and of current judicial assistants are exempt from s.
93 119.07(1) and s. 24(a), Art. I of the State Constitution. This
94 sub-subparagraph is subject to the Open Government Sunset Review
95 Act in accordance with s. 119.15 and shall stand repealed on
96 October 2, 2028, unless reviewed and saved from repeal through
97 reenactment by the Legislature.

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

110 g. The home addresses, dates of birth, and telephone
111 numbers 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; the names, home addresses, telephone numbers,
115 dates of birth, and places of employment of the spouses and
116 children of general magistrates, special magistrates, judges of

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117 compensation claims, administrative law judges of the Division
118 of Administrative Hearings, and child support enforcement
119 hearing officers; and the names and locations of schools and day
120 care facilities attended by the children of general magistrates,
121 special magistrates, judges of compensation claims,
122 administrative law judges of the Division of Administrative
123 Hearings, and child support enforcement hearing officers are
124 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
125 Constitution.

126 h. The home addresses, telephone numbers, dates of birth,
127 and photographs of current or former human resource, labor
128 relations, or employee relations directors, assistant directors,
129 managers, or assistant managers of any local government agency
130 or water management district whose duties include hiring and
131 firing employees, labor contract negotiation, administration, or
132 other personnel-related duties; the names, home addresses,
133 telephone numbers, dates of birth, and places of employment of
134 the spouses and children of such personnel; and the names and
135 locations of schools and day care facilities attended by the
136 children of such personnel are exempt from s. 119.07(1) and s.
137 24(a), Art. I of the State Constitution.

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

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146 j. The home addresses, telephone numbers, places of
147 employment, dates of birth, and photographs of current or former
148 guardians ad litem, as defined in s. 39.820; the names, home
149 addresses, telephone numbers, dates of birth, and places of
150 employment of the spouses and children of such persons; and the
151 names and locations of schools and day care facilities attended
152 by the children of such persons are exempt from s. 119.07(1) and
153 s. 24(a), Art. I of the State Constitution.

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

171 l. The home addresses, telephone numbers, dates of birth,
172 and photographs of current or former public defenders, assistant
173 public defenders, criminal conflict and civil regional counsel,
174 and assistant criminal conflict and civil regional counsel; the

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175 names, home addresses, telephone numbers, dates of birth, and
176 places of employment of the spouses and children of current or
177 former public defenders, assistant public defenders, criminal
178 conflict and civil regional counsel, and assistant criminal
179 conflict and civil regional counsel; and the names and locations
180 of schools and day care facilities attended by the children of
181 current or former public defenders, assistant public defenders,
182 criminal conflict and civil regional counsel, and assistant
183 criminal conflict and civil regional counsel are exempt from s.
184 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

202 o. The home addresses, telephone numbers, dates of birth,
203 and photographs of current or former personnel of the Department

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204 of Health whose duties include, or result in, the determination
205 or adjudication of eligibility for social security disability
206 benefits, the investigation or prosecution of complaints filed
207 against health care practitioners, or the inspection of health
208 care practitioners or health care facilities licensed by the
209 Department of Health; the names, home addresses, telephone
210 numbers, dates of birth, and places of employment of the spouses
211 and children of such personnel; and the names and locations of
212 schools and day care facilities attended by the children of such
213 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
214 the State Constitution.

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

227 q. The home addresses, telephone numbers, dates of birth,
228 and photographs of current or former emergency medical
229 technicians or paramedics certified under chapter 401; the
230 names, home addresses, telephone numbers, dates of birth, and
231 places of employment of the spouses and children of such
232 emergency medical technicians or paramedics; and the names and

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233 locations of schools and day care facilities attended by the
234 children of such emergency medical technicians or paramedics are
235 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
236 Constitution.

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

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

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262 service component described in s. 397.311(26).

263 t. The home addresses, telephone numbers, dates of birth,
264 and photographs of current or former directors, managers,
265 supervisors, and clinical employees of a child advocacy center
266 that meets the standards of s. 39.3035(2) and fulfills the
267 screening requirement of s. 39.3035(3), and the members of a
268 Child Protection Team as described in s. 39.303 whose duties
269 include supporting the investigation of child abuse or sexual
270 abuse, child abandonment, child neglect, and child exploitation
271 or to provide services as part of a multidisciplinary case
272 review team; the names, home addresses, telephone numbers,
273 photographs, dates of birth, and places of employment of the
274 spouses and children of such personnel and members; and the
275 names and locations of schools and day care facilities attended
276 by the children of such personnel and members are exempt from s.
277 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

289 3. An agency that is the custodian of the information
290 specified in subparagraph 2. and that is not the employer of the

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291 officer, employee, justice, judge, or other person specified in
292 subparagraph 2. must maintain the exempt status of that
293 information only if the officer, employee, justice, judge, other
294 person, or employing agency of the designated employee submits a
295 written and notarized request for maintenance of the exemption
296 to the custodial agency. The request must state under oath the
297 statutory basis for the individual's exemption request and
298 confirm the individual's status as a party eligible for exempt
299 status.

300 4.a. A county property appraiser, as defined in s.
301 192.001(3), or a county tax collector, as defined in s.
302 192.001(4), who receives a written and notarized request for
303 maintenance of the exemption pursuant to subparagraph 3. must
304 comply by removing the name of the individual with exempt status
305 and the instrument number or Official Records book and page
306 number identifying the property with the exempt status from all
307 publicly available records maintained by the property appraiser
308 or tax collector. For written requests received on or before
309 July 1, 2021, a county property appraiser or county tax
310 collector must comply with this sub-subparagraph by October 1,
311 2021. A county property appraiser or county tax collector may
312 not remove the street address, legal description, or other
313 information identifying real property within the agency's
314 records so long as a name or personal information otherwise
315 exempt from inspection and copying pursuant to this section are
316 not associated with the property or otherwise displayed in the
317 public records of the agency.

318 b. Any information restricted from public display,
319 inspection, or copying under sub-subparagraph a. must be

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320 provided to the individual whose information was removed.

321 5. An officer, an employee, a justice, a judge, or other
322 person specified in subparagraph 2. may submit a written request
323 for the release of his or her exempt information to the
324 custodial agency. The written request must be notarized and must
325 specify the information to be released and the party authorized
326 to receive the information. Upon receipt of the written request,
327 the custodial agency must release the specified information to
328 the party authorized to receive such information.

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

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

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

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

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

368 10. Except as otherwise expressly provided in this
369 paragraph, this paragraph is subject to the Open Government
370 Sunset Review Act in accordance with s. 119.15 and shall stand
371 repealed on October 2, 2024, unless reviewed and saved from
372 repeal through reenactment by the Legislature.

373 Section 2. The Legislature finds that it is a public
374 necessity that the home addresses, dates of birth, and telephone
375 numbers of current judicial assistants; the names, home
376 addresses, telephone numbers, dates of birth, and places of
377 employment of the spouses and children of such judicial

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378 assistants; and the names and locations of schools and day care
379 facilities attended by the children of such judicial assistants
380 be made exempt from s. 119.07(1), Florida Statutes, and s.
381 24(a), Article I of the State Constitution. Such identifying and
382 location information can be used as a tool to perpetrate fraud
383 against an individual or to acquire sensitive personal,
384 financial, medical, and familial information, the release of
385 which could cause great financial harm to the individual. In the
386 course of assisting in reviewing cases, maintaining the court
387 docket, screening phone calls and visitors to a justice's or
388 judge's chambers, preparing orders, and coordinating and problem
389 solving with attorneys and litigants, judicial assistants may
390 incur the ill will of litigants, the accused, the convicted, and
391 their associates and families, thus making judicial assistants
392 and their spouses and children targets for acts of revenge. If
393 such identifying and location information is released, the
394 safety of current judicial assistants and their spouses and
395 children could be seriously jeopardized. For these reasons, the
396 Legislature finds that it is a public necessity that such
397 information be made exempt from public records requirements.

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