

By Senator Yarborough

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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 clerks of
6 the circuit court, deputy clerks of the circuit court,
7 and clerk of the circuit court personnel and the names
8 and personal identifying and location information of
9 the spouses and children of such clerks, deputy
10 clerks, and clerk personnel; providing for future
11 legislative review and repeal of the exemption;
12 providing for retroactive application; providing a
13 statement of public necessity; providing an effective
14 date.

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

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

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

22 (4) AGENCY PERSONNEL INFORMATION.—

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

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

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30 b. "Judicial assistant" means a court employee assigned to
31 the following class codes: 8140, 8150, 8310, and 8320.

32 c. "Telephone numbers" includes home telephone numbers,
33 personal cellular telephone numbers, personal pager telephone
34 numbers, and telephone numbers associated with personal
35 communications devices.

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

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

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59 activities, or state regulatory requirement violations; the
60 names, home addresses, telephone numbers, dates of birth, and
61 places of employment of the spouses and children of such
62 personnel; and the names and locations of schools and day care
63 facilities attended by the children of such personnel are exempt
64 from s. 119.07(1) and s. 24(a), Art. I of the State
65 Constitution.

66 c. The home addresses, telephone numbers, dates of birth,
67 and photographs of current or former nonsworn investigative
68 personnel of the Office of Financial Regulation's Bureau of
69 Financial Investigations whose duties include the investigation
70 of fraud, theft, other related criminal activities, or state
71 regulatory requirement violations; the names, home addresses,
72 telephone numbers, dates of birth, and places of employment of
73 the spouses and children of such personnel; and the names and
74 locations of schools and day care facilities attended by the
75 children of such personnel are exempt from s. 119.07(1) and s.
76 24(a), Art. I of the State Constitution.

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

85 e. The home addresses, dates of birth, and telephone
86 numbers of current or former justices of the Supreme Court,
87 district court of appeal judges, circuit court judges, and

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

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

112 g. The home addresses, dates of birth, and telephone
113 numbers of general magistrates, special magistrates, judges of
114 compensation claims, administrative law judges of the Division
115 of Administrative Hearings, and child support enforcement
116 hearing officers; the names, home addresses, telephone numbers,

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

128 h. The home addresses, telephone numbers, dates of birth,
129 and photographs of current or former human resource, labor
130 relations, or employee relations directors, assistant directors,
131 managers, or assistant managers of any local government agency
132 or water management district whose duties include hiring and
133 firing employees, labor contract negotiation, administration, or
134 other personnel-related duties; the names, home addresses,
135 telephone numbers, dates of birth, and places of employment of
136 the spouses and children of such personnel; and the names and
137 locations of schools and day care facilities attended by the
138 children of such personnel are exempt from s. 119.07(1) and s.
139 24(a), Art. I of the State Constitution.

140 i. The home addresses, telephone numbers, dates of birth,
141 and photographs of current or former code enforcement officers;
142 the names, home addresses, telephone numbers, dates of birth,
143 and places of employment of the spouses and children of such
144 personnel; and the names and locations of schools and day care
145 facilities attended by the children of such personnel are exempt

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

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

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

173 l. The home addresses, telephone numbers, dates of birth,
174 and photographs of current or former public defenders, assistant

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175 public defenders, criminal conflict and civil regional counsel,
176 and assistant criminal conflict and civil regional counsel; the
177 names, home addresses, telephone numbers, dates of birth, and
178 places of employment of the spouses and children of current or
179 former public defenders, assistant public defenders, criminal
180 conflict and civil regional counsel, and assistant criminal
181 conflict and civil regional counsel; and the names and locations
182 of schools and day care facilities attended by the children of
183 current or former public defenders, assistant public defenders,
184 criminal conflict and civil regional counsel, and assistant
185 criminal conflict and civil regional counsel are exempt from s.
186 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

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

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

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262 pursuant to s. 397.401 and provides substance abuse prevention,
263 intervention, or clinical treatment, including any licensed
264 service component described in s. 397.311(26).

265 t. The home addresses, telephone numbers, dates of birth,
266 and photographs of current or former directors, managers,
267 supervisors, and clinical employees of a child advocacy center
268 that meets the standards of s. 39.3035(2) and fulfills the
269 screening requirement of s. 39.3035(3), and the members of a
270 Child Protection Team as described in s. 39.303 whose duties
271 include supporting the investigation of child abuse or sexual
272 abuse, child abandonment, child neglect, and child exploitation
273 or to provide services as part of a multidisciplinary case
274 review team; the names, home addresses, telephone numbers,
275 photographs, dates of birth, and places of employment of the
276 spouses and children of such personnel and members; and the
277 names and locations of schools and day care facilities attended
278 by the children of such personnel and members are exempt from s.
279 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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291 v. The home addresses, telephone numbers, dates of birth,
292 and photographs of current or former inspectors or investigators
293 of the Department of Agriculture and Consumer Services; the
294 names, home addresses, telephone numbers, dates of birth, and
295 places of employment of the spouses and children of current or
296 former inspectors or investigators; and the names and locations
297 of schools and day care facilities attended by the children of
298 current or former inspectors or investigators are exempt from s.
299 119.07(1) and s. 24(a), Art. I of the State Constitution. This
300 sub-subparagraph is subject to the Open Government Sunset Review
301 Act in accordance with s. 119.15 and shall stand repealed on
302 October 2, 2028, unless reviewed and saved from repeal through
303 reenactment by the Legislature.

304 w. The home addresses, telephone numbers, dates of birth,
305 and photographs of current or former clerks of the circuit
306 court, deputy clerks of the circuit court, and clerk of the
307 circuit court personnel; the names, home addresses, telephone
308 numbers, dates of birth, and places of employment of the spouses
309 and children of current or former clerks of the circuit court,
310 deputy clerks of the circuit court, and clerk of the circuit
311 court personnel; and the names and locations of schools and day
312 care facilities attended by the children of current or former
313 clerks of the circuit court, deputy clerks of the circuit court,
314 and clerk of the circuit court personnel are exempt from s.
315 119.07(1) and s. 24(a), Art. I of the State Constitution. This
316 sub-subparagraph is subject to the Open Government Sunset Review
317 Act in accordance with s. 119.15 and shall stand repealed on
318 October 2, 2029, unless reviewed and saved from repeal through
319 reenactment by the Legislature.

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320 3. An agency that is the custodian of the information
321 specified in subparagraph 2. and that is not the employer of the
322 officer, employee, justice, judge, or other person specified in
323 subparagraph 2. must maintain the exempt status of that
324 information only if the officer, employee, justice, judge, other
325 person, or employing agency of the designated employee submits a
326 written and notarized request for maintenance of the exemption
327 to the custodial agency. The request must state under oath the
328 statutory basis for the individual's exemption request and
329 confirm the individual's status as a party eligible for exempt
330 status.

331 4.a. A county property appraiser, as defined in s.
332 192.001(3), or a county tax collector, as defined in s.
333 192.001(4), who receives a written and notarized request for
334 maintenance of the exemption pursuant to subparagraph 3. must
335 comply by removing the name of the individual with exempt status
336 and the instrument number or Official Records book and page
337 number identifying the property with the exempt status from all
338 publicly available records maintained by the property appraiser
339 or tax collector. For written requests received on or before
340 July 1, 2021, a county property appraiser or county tax
341 collector must comply with this sub-subparagraph by October 1,
342 2021. A county property appraiser or county tax collector may
343 not remove the street address, legal description, or other
344 information identifying real property within the agency's
345 records so long as a name or personal information otherwise
346 exempt from inspection and copying pursuant to this section is
347 not associated with the property or otherwise displayed in the
348 public records of the agency.

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

352 5. An officer, an employee, a justice, a judge, or other
353 person specified in subparagraph 2. may submit a written request
354 for the release of his or her exempt information to the
355 custodial agency. The written request must be notarized and must
356 specify the information to be released and the party authorized
357 to receive the information. Upon receipt of the written request,
358 the custodial agency must release the specified information to
359 the party authorized to receive such information.

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

363 7. Information made exempt under this paragraph may be
364 disclosed pursuant to s. 28.2221 to a title insurer authorized
365 pursuant to s. 624.401 and its affiliates as defined in s.
366 624.10; a title insurance agent or title insurance agency as
367 defined in s. 626.841(1) or (2), respectively; or an attorney
368 duly admitted to practice law in this state and in good standing
369 with The Florida Bar.

370 8. The exempt status of a home address contained in the
371 Official Records is maintained only during the period when a
372 protected party resides at the dwelling location. Upon
373 conveyance of real property after October 1, 2021, and when such
374 real property no longer constitutes a protected party's home
375 address as defined in sub-subparagraph 1.a., the protected party
376 must submit a written request to release the removed information
377 to the county recorder. The written request to release the

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378 removed information must be notarized, must confirm that a
379 protected party's request for release is pursuant to a
380 conveyance of his or her dwelling location, and must specify the
381 Official Records book and page, instrument number, or clerk's
382 file number for each document containing the information to be
383 released.

384 9. Upon the death of a protected party as verified by a
385 certified copy of a death certificate or court order, any party
386 can request the county recorder to release a protected
387 decedent's removed information unless there is a related request
388 on file with the county recorder for continued removal of the
389 decedent's information or unless such removal is otherwise
390 prohibited by statute or by court order. The written request to
391 release the removed information upon the death of a protected
392 party must attach the certified copy of a death certificate or
393 court order and must be notarized, must confirm the request for
394 release is due to the death of a protected party, and must
395 specify the Official Records book and page number, instrument
396 number, or clerk's file number for each document containing the
397 information to be released. A fee may not be charged for the
398 release of any document pursuant to such request.

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

404 Section 2. The Legislature finds that it is a public
405 necessity that the home addresses, telephone numbers, dates of
406 birth, and photographs of current or former clerks of the

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407 circuit court, deputy clerks of the circuit court, and clerk of
408 the circuit court personnel; the names, home addresses,
409 telephone numbers, dates of birth, and places of employment of
410 the spouses and children of current or former clerks of the
411 circuit court, deputy clerks of the circuit court, and clerk of
412 the circuit court personnel; and the names and locations of
413 schools and day care facilities attended by the children of
414 current or former clerks of the circuit court, deputy clerks of
415 the circuit court, and clerk of the circuit court personnel be
416 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
417 Article I of the State Constitution. The responsibilities of
418 clerks of the circuit court, deputy clerks of the circuit court,
419 and clerk of the circuit court personnel regularly include
420 involvement in legal enforcement, divorce, and child support
421 proceedings and, as a result, clerks of the circuit court,
422 deputy clerks of the circuit court, and clerk of the circuit
423 court personnel have received death threats, harassing telephone
424 calls and e-mails, and threats of physical violence from
425 disgruntled individuals. The Legislature finds that the release
426 of such personal identifying and location information may place
427 clerks of the circuit court, deputy clerks of the circuit court,
428 and clerk of the circuit court personnel in danger of being
429 physically or emotionally harmed or stalked. The Legislature
430 finds that the harm that may result from the release of such
431 personal identifying and location information outweighs any
432 public benefit that may be derived from the disclosure of the
433 information.

434 Section 3. This act shall take effect July 1, 2024.