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LEGISLATIVE ACTION

Senate

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House

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02/21/2024 07:24 PM

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Senator Avila moved the following:

**Senate Amendment (with title amendment)**

Delete lines 298 - 381

and insert:

w. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Agency for Health Care Administration whose duties include the investigation of complaints filed against health care facilities or the inspection of health care facilities licensed or certified by the agency; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses



12 and children of such personnel; and the names and locations of  
13 schools and day care facilities attended by the children of such  
14 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
15 the State Constitution. This sub-subparagraph is subject to the  
16 Open Government Sunset Review Act in accordance with s. 119.15  
17 and shall stand repealed on October 2, 2029, unless reviewed and  
18 saved from repeal through reenactment by the Legislature.

19       3. An agency that is the custodian of the information  
20 specified in subparagraph 2. and that is not the employer of the  
21 officer, employee, justice, judge, or other person specified in  
22 subparagraph 2. must maintain the exempt status of that  
23 information only if the officer, employee, justice, judge, other  
24 person, or employing agency of the designated employee submits a  
25 written and notarized request for maintenance of the exemption  
26 to the custodial agency. The request must state under oath the  
27 statutory basis for the individual's exemption request and  
28 confirm the individual's status as a party eligible for exempt  
29 status.

30       4.a. A county property appraiser, as defined in s.  
31 192.001(3), or a county tax collector, as defined in s.  
32 192.001(4), who receives a written and notarized request for  
33 maintenance of the exemption pursuant to subparagraph 3. must  
34 comply by removing the name of the individual with exempt status  
35 and the instrument number or Official Records book and page  
36 number identifying the property with the exempt status from all  
37 publicly available records maintained by the property appraiser  
38 or tax collector. For written requests received on or before  
39 July 1, 2021, a county property appraiser or county tax  
40 collector must comply with this sub-subparagraph by October 1,



41 2021. A county property appraiser or county tax collector may  
42 not remove the street address, legal description, or other  
43 information identifying real property within the agency's  
44 records so long as a name or personal information otherwise  
45 exempt from inspection and copying pursuant to this section is  
46 not associated with the property or otherwise displayed in the  
47 public records of the agency.

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

51       5. An officer, an employee, a justice, a judge, or other  
52 person specified in subparagraph 2. may submit a written request  
53 for the release of his or her exempt information to the  
54 custodial agency. The written request must be notarized and must  
55 specify the information to be released and the party authorized  
56 to receive the information. Upon receipt of the written request,  
57 the custodial agency must release the specified information to  
58 the party authorized to receive such information.

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

62       7. Information made exempt under this paragraph may be  
63 disclosed pursuant to s. 28.2221 to a title insurer authorized  
64 pursuant to s. 624.401 and its affiliates as defined in s.  
65 624.10; a title insurance agent or title insurance agency as  
66 defined in s. 626.841(1) or (2), respectively; or an attorney  
67 duly admitted to practice law in this state and in good standing  
68 with The Florida Bar.

69       8. The exempt status of a home address contained in the



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70 Official Records is maintained only during the period when a  
71 protected party resides at the dwelling location. Upon  
72 conveyance of real property after October 1, 2021, and when such  
73 real property no longer constitutes a protected party's home  
74 address as defined in sub-subparagraph 1.a., the protected party  
75 must submit a written request to release the removed information  
76 to the county recorder. The written request to release the  
77 removed information must be notarized, must confirm that a  
78 protected party's request for release is pursuant to a  
79 conveyance of his or her dwelling location, and must specify the  
80 Official Records book and page, instrument number, or clerk's  
81 file number for each document containing the information to be  
82 released.

83         9. Upon the death of a protected party as verified by a  
84 certified copy of a death certificate or court order, any party  
85 can request the county recorder to release a protected  
86 decedent's removed information unless there is a related request  
87 on file with the county recorder for continued removal of the  
88 decedent's information or unless such removal is otherwise  
89 prohibited by statute or by court order. The written request to  
90 release the removed information upon the death of a protected  
91 party must attach the certified copy of a death certificate or  
92 court order and must be notarized, must confirm the request for  
93 release is due to the death of a protected party, and must  
94 specify the Official Records book and page number, instrument  
95 number, or clerk's file number for each document containing the  
96 information to be released. A fee may not be charged for the  
97 release of any document pursuant to such request.

98         ~~10. Except as otherwise expressly provided in this~~



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99 ~~paragraph, this paragraph is subject to the Open Government~~  
100 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~  
101 ~~repealed on October 2, 2024, unless reviewed and saved from~~  
102 ~~repeal through reenactment by the Legislature.~~

103       Section 2. The Legislature finds that it is a public  
104 necessity that the home addresses, telephone numbers, dates of  
105 birth, and photographs of current or former personnel of the  
106 Agency for Health Care Administration whose duties include the  
107 investigation of complaints filed against health care facilities  
108 or the inspection of health care facilities licensed or  
109 certified by the Agency for Health Care Administration; the  
110 names, home addresses, telephone numbers, dates of birth, and  
111 places of employment of the spouses and children of such  
112 personnel; and the names and locations of schools and day care  
113 facilities attended by the children of such personnel be made  
114 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
115 Article I of the State Constitution. The Legislature finds that  
116 the release of such personal identifying and location  
117 information might place the agency's current or former personnel  
118 and their family members in danger of physical and emotional  
119 harm from disgruntled individuals who have contentious reactions  
120 to actions carried out by such personnel or whose business or  
121 professional practices have come under scrutiny as a result of  
122 such investigations and agency actions. The Legislature further  
123 finds that the harm that may result from the release of such  
124 personal identifying and location information outweighs any  
125 public benefit that may be derived from the disclosure of the  
126 information.

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128 ===== T I T L E A M E N D M E N T =====

129 And the title is amended as follows:

130       Delete lines 2 - 8

131 and insert:

132       An act relating to public records; amending s.  
133       119.071, F.S.; providing an exemption from public  
134       records requirements for the personal identifying and  
135       location information of certain current or former  
136       personnel of the Agency for Health Care Administration  
137       and their spouses and children; providing for future  
138       legislative review and repeal of the exemption;  
139       providing for retroactive application; abrogating the  
140       scheduled repeal of exemptions for certain personal  
141       identifying and location information of specified  
142       agency personnel, and the spouses and children  
143       thereof; providing a statement of public necessity;  
144       providing an effective date.