

By Senator Powell

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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 county
6 attorneys, assistant county attorneys, deputy county
7 attorneys, city attorneys, assistant city attorneys,
8 and deputy city attorneys and the names and personal
9 identifying and location information of the spouses
10 and children of such attorneys; providing an
11 exception; providing for future legislative review and
12 repeal of the exemption; providing for retroactive
13 application; providing a statement of public
14 necessity; providing an effective 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 county attorneys, assistant
306 county attorneys, deputy county attorneys, city attorneys,
307 assistant city attorneys, and deputy city attorneys; the names,
308 home addresses, telephone numbers, photographs, dates of birth,
309 and places of employment of the spouses and children of current
310 or former county attorneys, assistant county attorneys, deputy
311 county attorneys, city attorneys, assistant city attorneys, and
312 deputy city attorneys; and the names and locations of schools
313 and day care facilities attended by the children of current or
314 former county attorneys, assistant county attorneys, deputy
315 county attorneys, city attorneys, assistant city attorneys, and
316 deputy city attorneys are exempt from s. 119.07(1) and s. 24(a),
317 Art. I of the State Constitution. This exemption does not apply
318 to a current county attorney, assistant county attorney, deputy
319 county attorney, city attorney, assistant city attorney, or

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320 deputy city attorney who qualifies as a candidate for election
321 to public office. This sub-subparagraph is subject to the Open
322 Government Sunset Review Act in accordance with s. 119.15 and
323 shall stand repealed on October 2, 2029, unless reviewed and
324 saved from repeal through reenactment by the Legislature.

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

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

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349 information identifying real property within the agency's
350 records so long as a name or personal information otherwise
351 exempt from inspection and copying pursuant to this section is
352 not associated with the property or otherwise displayed in the
353 public records of the agency.

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

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

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

368 7. Information made exempt under this paragraph may be
369 disclosed pursuant to s. 28.2221 to a title insurer authorized
370 pursuant to s. 624.401 and its affiliates as defined in s.
371 624.10; a title insurance agent or title insurance agency as
372 defined in s. 626.841(1) or (2), respectively; or an attorney
373 duly admitted to practice law in this state and in good standing
374 with The Florida Bar.

375 8. The exempt status of a home address contained in the
376 Official Records is maintained only during the period when a
377 protected party resides at the dwelling location. Upon

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378 conveyance of real property after October 1, 2021, and when such
379 real property no longer constitutes a protected party's home
380 address as defined in sub-subparagraph 1.a., the protected party
381 must submit a written request to release the removed information
382 to the county recorder. The written request to release the
383 removed information must be notarized, must confirm that a
384 protected party's request for release is pursuant to a
385 conveyance of his or her dwelling location, and must specify the
386 Official Records book and page, instrument number, or clerk's
387 file number for each document containing the information to be
388 released.

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

404 10. Except as otherwise expressly provided in this
405 paragraph, this paragraph is subject to the Open Government
406 Sunset Review Act in accordance with s. 119.15 and shall stand

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407 repealed on October 2, 2024, unless reviewed and saved from
408 repeal through reenactment by the Legislature.

409 Section 2. The Legislature finds that it is a public
410 necessity that the home addresses, telephone numbers, dates of
411 birth, and photographs of current or former county attorneys,
412 assistant county attorneys, deputy county attorneys, city
413 attorneys, assistant city attorneys, and deputy city attorneys
414 be made exempt from s. 119.07(1), Florida Statutes, and s.
415 24(a), Article I of the State Constitution. The Legislature
416 further finds that it is a public necessity that the names, home
417 addresses, telephone numbers, photographs, dates of birth, and
418 places of employment of the spouses and children, and the names
419 and locations of schools and day care facilities attended by
420 such children, of current or former county attorneys, assistant
421 county attorneys, deputy county attorneys, city attorneys,
422 assistant city attorneys, and deputy city attorneys be made
423 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
424 Article I of the State Constitution. The responsibilities of
425 county attorneys, assistant county attorneys, deputy county
426 attorneys, city attorneys, assistant city attorneys, and deputy
427 city attorneys regularly involve legal enforcement proceedings
428 in areas of neglect and abuse related to violations of codes and
429 ordinances. Legal enforcement proceedings have led to
430 retribution and threats by defendants and other persons on
431 numerous occasions. Such attorneys have received death threats
432 and e-mails from disgruntled persons advocating the murder of
433 other attorneys. Other incidents have included the stalking of
434 such attorneys and their spouses and children. The Legislature
435 finds that the release of such personal identifying and location

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436 information could place such attorneys and their spouses and
437 children in danger of being stalked or physically and
438 emotionally harmed by a defendant or other person. The
439 Legislature finds that the harm that may result from the release
440 of such personal identifying and location information outweighs
441 any public benefit that may be derived from the disclosure of
442 the information, except in the case of a current county
443 attorney, assistant county attorney, deputy county attorney,
444 city attorney, assistant city attorney, or deputy city attorney
445 who qualifies as a candidate for election to public office.

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