

By Senator Rouson

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; defining the term "appellate court
4 clerk"; providing an exemption from public records
5 requirements for the personal identifying and location
6 information of current appellate court clerks and the
7 spouses and children of such appellate court clerks;
8 providing for future legislative review and repeal of
9 the exemption; providing for retroactive application;
10 amending s. 744.21031, F.S.; conforming a cross-
11 reference; providing a statement of public necessity;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
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. "Appellate court clerk" means a person appointed as a
23 clerk of the Florida Supreme Court pursuant to s. 3(c), Art. V
24 of the State Constitution, a person appointed as a clerk of a
25 district court of appeal pursuant to s. 4(c), Art. V of the
26 State Constitution, or a court employee assigned to the 2610 or
27 2620 class code.

28 ~~b.a.~~ "Home addresses" means the dwelling location at which
29 an individual resides and includes the physical address, mailing

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30 address, street address, parcel identification number, plot
31 identification number, legal property description, neighborhood
32 name and lot number, GPS coordinates, and any other descriptive
33 property information that may reveal the home address.

34 ~~c.b.~~ "Judicial assistant" means a court employee assigned
35 to the following class codes: 8140, 8150, 8310, and 8320.

36 ~~d.e.~~ "Telephone numbers" includes home telephone numbers,
37 personal cellular telephone numbers, personal pager telephone
38 numbers, and telephone numbers associated with personal
39 communications devices.

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

58 b. The home addresses, telephone numbers, dates of birth,

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59 and photographs of current or former nonsworn investigative
60 personnel of the Department of Financial Services whose duties
61 include the investigation of fraud, theft, workers' compensation
62 coverage requirements and compliance, other related criminal
63 activities, or state regulatory requirement violations; the
64 names, home addresses, telephone numbers, dates of birth, and
65 places of employment of the spouses and children of such
66 personnel; and the names and locations of schools and day care
67 facilities attended by the children of such personnel are exempt
68 from s. 119.07(1) and s. 24(a), Art. I of the State
69 Constitution.

70 c. The home addresses, telephone numbers, dates of birth,
71 and photographs of current or former nonsworn investigative
72 personnel of the Office of Financial Regulation's Bureau of
73 Financial Investigations whose duties include the investigation
74 of fraud, theft, other related criminal activities, or state
75 regulatory requirement violations; the names, home addresses,
76 telephone numbers, dates of birth, and places of employment of
77 the spouses and children of such personnel; and the names and
78 locations of schools and day care facilities attended by the
79 children of such personnel are exempt from s. 119.07(1) and s.
80 24(a), Art. I of the State Constitution.

81 d. The home addresses, telephone numbers, dates of birth,
82 and photographs of current or former firefighters certified in
83 compliance with s. 633.408; the names, home addresses, telephone
84 numbers, photographs, dates of birth, and places of employment
85 of the spouses and children of such firefighters; and the names
86 and locations of schools and day care facilities attended by the
87 children of such firefighters are exempt from s. 119.07(1) and

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88 s. 24(a), Art. I of the State Constitution.

89 e. The home addresses, dates of birth, and telephone
90 numbers of current or former justices of the Supreme Court,
91 district court of appeal judges, circuit court judges, and
92 county court judges, and of current judicial assistants and
93 appellate court clerks; the names, home addresses, telephone
94 numbers, dates of birth, and places of employment of the spouses
95 and children of current or former justices and judges and of
96 current judicial assistants and appellate court clerks; and the
97 names and locations of schools and day care facilities attended
98 by the children of current or former justices and judges and of
99 current judicial assistants and appellate court clerks are
100 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
101 Constitution. This sub-subparagraph is subject to the Open
102 Government Sunset Review Act in accordance with s. 119.15 and
103 shall stand repealed on October 2, 2029 ~~2028~~, unless reviewed
104 and saved from repeal through reenactment by the Legislature.

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

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

133 h. The home addresses, telephone numbers, dates of birth,
134 and photographs of current or former human resource, labor
135 relations, or employee relations directors, assistant directors,
136 managers, or assistant managers of any local government agency
137 or water management district whose duties include hiring and
138 firing employees, labor contract negotiation, administration, or
139 other personnel-related duties; the names, home addresses,
140 telephone numbers, dates of birth, and places of employment of
141 the spouses and children of such personnel; and the names and
142 locations of schools and day care facilities attended by the
143 children of such personnel are exempt from s. 119.07(1) and s.
144 24(a), Art. I of the State Constitution.

145 i. The home addresses, telephone numbers, dates of birth,

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146 and photographs of current or former code enforcement officers;
147 the names, home addresses, telephone numbers, dates of birth,
148 and places of employment of the spouses and children of such
149 personnel; and the names and locations of schools and day care
150 facilities attended by the children of such personnel are exempt
151 from s. 119.07(1) and s. 24(a), Art. I of the State
152 Constitution.

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

161 k. The home addresses, telephone numbers, dates of birth,
162 and photographs of current or former juvenile probation
163 officers, juvenile probation supervisors, detention
164 superintendents, assistant detention superintendents, juvenile
165 justice detention officers I and II, juvenile justice detention
166 officer supervisors, juvenile justice residential officers,
167 juvenile justice residential officer supervisors I and II,
168 juvenile justice counselors, juvenile justice counselor
169 supervisors, human services counselor administrators, senior
170 human services counselor administrators, rehabilitation
171 therapists, and social services counselors of the Department of
172 Juvenile Justice; the names, home addresses, telephone numbers,
173 dates of birth, and places of employment of spouses and children
174 of such personnel; and the names and locations of schools and

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175 day care facilities attended by the children of such personnel
176 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
177 Constitution.

178 1. The home addresses, telephone numbers, dates of birth,
179 and photographs of current or former public defenders, assistant
180 public defenders, criminal conflict and civil regional counsel,
181 and assistant criminal conflict and civil regional counsel; the
182 names, home addresses, telephone numbers, dates of birth, and
183 places of employment of the spouses and children of current or
184 former public defenders, assistant public defenders, criminal
185 conflict and civil regional counsel, and assistant criminal
186 conflict and civil regional counsel; and the names and locations
187 of schools and day care facilities attended by the children of
188 current or former public defenders, assistant public defenders,
189 criminal conflict and civil regional counsel, and assistant
190 criminal conflict and civil regional counsel are exempt from s.
191 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

202 n. The home addresses, telephone numbers, and dates of
203 birth of county tax collectors; the names, home addresses,

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204 telephone numbers, dates of birth, and places of employment of
205 the spouses and children of such tax collectors; and the names
206 and locations of schools and day care facilities attended by the
207 children of such tax collectors are exempt from s. 119.07(1) and
208 s. 24(a), Art. I of the State Constitution.

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

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

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233 Constitution.

234 q. The home addresses, telephone numbers, dates of birth,
235 and photographs of current or former emergency medical
236 technicians or paramedics certified under chapter 401; the
237 names, home addresses, telephone numbers, dates of birth, and
238 places of employment of the spouses and children of such
239 emergency medical technicians or paramedics; and the names and
240 locations of schools and day care facilities attended by the
241 children of such emergency medical technicians or paramedics are
242 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
243 Constitution.

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

256 s. The home addresses, telephone numbers, dates of birth,
257 and photographs of current or former directors, managers,
258 supervisors, nurses, and clinical employees of an addiction
259 treatment facility; the home addresses, telephone numbers,
260 photographs, dates of birth, and places of employment of the
261 spouses and children of such personnel; and the names and

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262 locations of schools and day care facilities attended by the
263 children of such personnel are exempt from s. 119.07(1) and s.
264 24(a), Art. I of the State Constitution. For purposes of this
265 sub-subparagraph, the term "addiction treatment facility" means
266 a county government, or agency thereof, that is licensed
267 pursuant to s. 397.401 and provides substance abuse prevention,
268 intervention, or clinical treatment, including any licensed
269 service component described in s. 397.311(26).

270 t. The home addresses, telephone numbers, dates of birth,
271 and photographs of current or former directors, managers,
272 supervisors, and clinical employees of a child advocacy center
273 that meets the standards of s. 39.3035(2) and fulfills the
274 screening requirement of s. 39.3035(3), and the members of a
275 Child Protection Team as described in s. 39.303 whose duties
276 include supporting the investigation of child abuse or sexual
277 abuse, child abandonment, child neglect, and child exploitation
278 or to provide services as part of a multidisciplinary case
279 review team; the names, home addresses, telephone numbers,
280 photographs, dates of birth, and places of employment of the
281 spouses and children of such personnel and members; and the
282 names and locations of schools and day care facilities attended
283 by the children of such personnel and members are exempt from s.
284 119.07(1) and s. 24(a), Art. I of the State Constitution.

285 u. The home addresses, telephone numbers, places of
286 employment, dates of birth, and photographs of current or former
287 staff and domestic violence advocates, as defined in s.
288 90.5036(1)(b), of domestic violence centers certified by the
289 Department of Children and Families under chapter 39; the names,
290 home addresses, telephone numbers, places of employment, dates

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291 of birth, and photographs of the spouses and children of such
292 personnel; and the names and locations of schools and day care
293 facilities attended by the children of such personnel are exempt
294 from s. 119.07(1) and s. 24(a), Art. I of the State
295 Constitution.

296 v. The home addresses, telephone numbers, dates of birth,
297 and photographs of current or former inspectors or investigators
298 of the Department of Agriculture and Consumer Services; the
299 names, home addresses, telephone numbers, dates of birth, and
300 places of employment of the spouses and children of current or
301 former inspectors or investigators; and the names and locations
302 of schools and day care facilities attended by the children of
303 current or former inspectors or investigators are exempt from s.
304 119.07(1) and s. 24(a), Art. I of the State Constitution. This
305 sub-subparagraph is subject to the Open Government Sunset Review
306 Act in accordance with s. 119.15 and shall stand repealed on
307 October 2, 2028, unless reviewed and saved from repeal through
308 reenactment by the Legislature.

309 3. An agency that is the custodian of the information
310 specified in subparagraph 2. and that is not the employer of the
311 officer, employee, justice, judge, or other person specified in
312 subparagraph 2. must maintain the exempt status of that
313 information only if the officer, employee, justice, judge, other
314 person, or employing agency of the designated employee submits a
315 written and notarized request for maintenance of the exemption
316 to the custodial agency. The request must state under oath the
317 statutory basis for the individual's exemption request and
318 confirm the individual's status as a party eligible for exempt
319 status.

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320 4.a. A county property appraiser, as defined in s.
321 192.001(3), or a county tax collector, as defined in s.
322 192.001(4), who receives a written and notarized request for
323 maintenance of the exemption pursuant to subparagraph 3. must
324 comply by removing the name of the individual with exempt status
325 and the instrument number or Official Records book and page
326 number identifying the property with the exempt status from all
327 publicly available records maintained by the property appraiser
328 or tax collector. For written requests received on or before
329 July 1, 2021, a county property appraiser or county tax
330 collector must comply with this sub-subparagraph by October 1,
331 2021. A county property appraiser or county tax collector may
332 not remove the street address, legal description, or other
333 information identifying real property within the agency's
334 records so long as a name or personal information otherwise
335 exempt from inspection and copying pursuant to this section is
336 not associated with the property or otherwise displayed in the
337 public records of the agency.

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

341 5. An officer, an employee, a justice, a judge, or other
342 person specified in subparagraph 2. may submit a written request
343 for the release of his or her exempt information to the
344 custodial agency. The written request must be notarized and must
345 specify the information to be released and the party authorized
346 to receive the information. Upon receipt of the written request,
347 the custodial agency must release the specified information to
348 the party authorized to receive such information.

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

352 7. Information made exempt under this paragraph may be
353 disclosed pursuant to s. 28.2221 to a title insurer authorized
354 pursuant to s. 624.401 and its affiliates as defined in s.
355 624.10; a title insurance agent or title insurance agency as
356 defined in s. 626.841(1) or (2), respectively; or an attorney
357 duly admitted to practice law in this state and in good standing
358 with The Florida Bar.

359 8. The exempt status of a home address contained in the
360 Official Records is maintained only during the period when a
361 protected party resides at the dwelling location. Upon
362 conveyance of real property after October 1, 2021, and when such
363 real property no longer constitutes a protected party's home
364 address as defined in sub-subparagraph 1.b. ~~1.a.~~, the protected
365 party must submit a written request to release the removed
366 information to the county recorder. The written request to
367 release the removed information must be notarized, must confirm
368 that a protected party's request for release is pursuant to a
369 conveyance of his or her dwelling location, and must specify the
370 Official Records book and page, instrument number, or clerk's
371 file number for each document containing the information to be
372 released.

373 9. Upon the death of a protected party as verified by a
374 certified copy of a death certificate or court order, any party
375 can request the county recorder to release a protected
376 decedent's removed information unless there is a related request
377 on file with the county recorder for continued removal of the

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378 decedent's information or unless such removal is otherwise
379 prohibited by statute or by court order. The written request to
380 release the removed information upon the death of a protected
381 party must attach the certified copy of a death certificate or
382 court order and must be notarized, must confirm the request for
383 release is due to the death of a protected party, and must
384 specify the Official Records book and page number, instrument
385 number, or clerk's file number for each document containing the
386 information to be released. A fee may not be charged for the
387 release of any document pursuant to such request.

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

393 Section 2. Paragraph (c) of subsection (1) of section
394 744.21031, Florida Statutes, is amended to read:

395 744.21031 Public records exemption.—

396 (1) For purposes of this section, the term:

397 (c) "Telephone numbers" has the same meaning as provided in
398 s. 119.071(4)(d)1.d. ~~s. 119.071(4)(d)1.b.~~

399 Section 3. The Legislature finds that it is a public
400 necessity that the home addresses, dates of birth, and telephone
401 numbers of current appellate court clerks; the names, home
402 addresses, telephone numbers, dates of birth, and places of
403 employment of the spouses and children of such appellate court
404 clerks; and the names and locations of schools and day care
405 facilities attended by children of such appellate court clerks
406 be made exempt from s. 119.07(1), Florida Statutes, and s.

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407 24(a), Article I of the State Constitution. While performing
408 their duties to issue court orders, maintain case dockets,
409 answer telephone calls, respond to correspondence, and interact
410 with visitors to the courthouse, appellate court clerks may
411 incur the ill will of litigants and their associates and
412 families. As a result, current appellate court clerks and their
413 spouses and children may be targets for acts of revenge. If such
414 identifying and location information is released, the safety of
415 current appellate court clerks and their spouses and children
416 could be seriously jeopardized. For this reason, the Legislature
417 finds that it is a public necessity that such information be
418 made exempt from public records requirements.

419 Section 4. This act shall take effect July 1, 2024.