

By Senator Polsky

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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 sexual assault counselors;
6 providing for future legislative review and repeal of
7 the exemption; providing for retroactive application;
8 providing a statement of public necessity; providing
9 an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Paragraph (d) of subsection (4) of section
14 119.071, Florida Statutes, is amended to read:

15 119.071 General exemptions from inspection or copying of
16 public records.—

17 (4) AGENCY PERSONNEL INFORMATION.—

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

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

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

27 c. "Telephone numbers" includes home telephone numbers,
28 personal cellular telephone numbers, personal pager telephone
29 numbers, and telephone numbers associated with personal

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30 communications devices.

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

49 b. The home addresses, telephone numbers, dates of birth,
50 and photographs of current or former nonsworn investigative
51 personnel of the Department of Financial Services whose duties
52 include the investigation of fraud, theft, workers' compensation
53 coverage requirements and compliance, other related criminal
54 activities, or state regulatory requirement violations; the
55 names, home addresses, telephone numbers, dates of birth, and
56 places of employment of the spouses and children of such
57 personnel; and the names and locations of schools and day care
58 facilities attended by the children of such personnel are exempt

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

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

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

80 e. The home addresses, dates of birth, and telephone
81 numbers of current or former justices of the Supreme Court,
82 district court of appeal judges, circuit court judges, and
83 county court judges and current judicial assistants; the names,
84 home addresses, telephone numbers, dates of birth, and places of
85 employment of the spouses and children of current or former
86 justices and judges and current judicial assistants; and the
87 names and locations of schools and day care facilities attended

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

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

107 g. The home addresses, dates of birth, and telephone
108 numbers of general magistrates, special magistrates, judges of
109 compensation claims, administrative law judges of the Division
110 of Administrative Hearings, and child support enforcement
111 hearing officers; the names, home addresses, telephone numbers,
112 dates of birth, and places of employment of the spouses and
113 children 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; and the names and locations of schools and day

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

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

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

143 j. The home addresses, telephone numbers, places of
144 employment, dates of birth, and photographs of current or former
145 guardians ad litem, as defined in s. 39.01; the names, home

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146 addresses, telephone numbers, dates of birth, and places of
147 employment of the spouses and children of such persons; and the
148 names and locations of schools and day care facilities attended
149 by the children of such persons are exempt from s. 119.07(1) and
150 s. 24(a), Art. I of the State Constitution.

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

168 l. The home addresses, telephone numbers, dates of birth,
169 and photographs of current or former public defenders, assistant
170 public defenders, criminal conflict and civil regional counsel,
171 and assistant criminal conflict and civil regional counsel; the
172 names, home addresses, telephone numbers, dates of birth, and
173 places of employment of the spouses and children of current or
174 former public defenders, assistant public defenders, criminal

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175 conflict and civil regional counsel, and assistant criminal
176 conflict and civil regional counsel; and the names and locations
177 of schools and day care facilities attended by the children of
178 current or former public defenders, assistant public defenders,
179 criminal conflict and civil regional counsel, and assistant
180 criminal conflict and civil regional counsel are exempt from s.
181 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

199 o. The home addresses, telephone numbers, dates of birth,
200 and photographs of current or former personnel of the Department
201 of Health whose duties include, or result in, the determination
202 or adjudication of eligibility for social security disability
203 benefits, the investigation or prosecution of complaints filed

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204 against health care practitioners, or the inspection of health
205 care practitioners or health care facilities licensed by the
206 Department of Health; the names, home addresses, telephone
207 numbers, dates of birth, and places of employment of the spouses
208 and children of such personnel; and the names and locations of
209 schools and day care facilities attended by the children of such
210 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
211 the State Constitution.

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

224 q. The home addresses, telephone numbers, dates of birth,
225 and photographs of current or former emergency medical
226 technicians or paramedics certified under chapter 401; the
227 names, home addresses, telephone numbers, dates of birth, and
228 places of employment of the spouses and children of such
229 emergency medical technicians or paramedics; and the names and
230 locations of schools and day care facilities attended by the
231 children of such emergency medical technicians or paramedics are
232 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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233 Constitution.

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

246 s. The home addresses, telephone numbers, dates of birth,
247 and photographs of current or former directors, managers,
248 supervisors, nurses, and clinical employees of an addiction
249 treatment facility; the home addresses, telephone numbers,
250 photographs, dates of birth, and places of employment of the
251 spouses and children of such personnel; and the names and
252 locations of schools and day care facilities attended by the
253 children of such personnel are exempt from s. 119.07(1) and s.
254 24(a), Art. I of the State Constitution. For purposes of this
255 sub-subparagraph, the term "addiction treatment facility" means
256 a county government, or agency thereof, that is licensed
257 pursuant to s. 397.401 and provides substance abuse prevention,
258 intervention, or clinical treatment, including any licensed
259 service component described in s. 397.311(27).

260 t. The home addresses, telephone numbers, dates of birth,
261 and photographs of current or former directors, managers,

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

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

286 v. The home addresses, telephone numbers, dates of birth,
287 and photographs of current or former inspectors or investigators
288 of the Department of Agriculture and Consumer Services; the
289 names, home addresses, telephone numbers, dates of birth, and
290 places of employment of the spouses and children of current or

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291 former inspectors or investigators; and the names and locations
292 of schools and day care facilities attended by the children of
293 current or former inspectors or investigators are exempt from s.
294 119.07(1) and s. 24(a), Art. I of the State Constitution. This
295 sub-subparagraph is subject to the Open Government Sunset Review
296 Act in accordance with s. 119.15 and shall stand repealed on
297 October 2, 2028, unless reviewed and saved from repeal through
298 reenactment by the Legislature.

299 w. The home addresses, telephone numbers, dates of birth,
300 and photographs of current county attorneys, assistant county
301 attorneys, deputy county attorneys, city attorneys, assistant
302 city attorneys, and deputy city attorneys; the names, home
303 addresses, telephone numbers, photographs, dates of birth, and
304 places of employment of the spouses and children of current
305 county attorneys, assistant county attorneys, deputy county
306 attorneys, city attorneys, assistant city attorneys, and deputy
307 city attorneys; and the names and locations of schools and day
308 care facilities attended by the children of current county
309 attorneys, assistant county attorneys, deputy county attorneys,
310 city attorneys, assistant city attorneys, and deputy city
311 attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of
312 the State Constitution. This exemption does not apply to a
313 county attorney, assistant county attorney, deputy county
314 attorney, city attorney, assistant city attorney, or deputy city
315 attorney who qualifies as a candidate for election to public
316 office. This sub-subparagraph is subject to the Open Government
317 Sunset Review Act in accordance with s. 119.15 and shall stand
318 repealed on October 2, 2029, unless reviewed and saved from
319 repeal through reenactment by the Legislature.

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320 x. The home addresses, telephone numbers, dates of birth,
321 and photographs of current or former commissioners of the
322 Florida Gaming Control Commission; the names, home addresses,
323 telephone numbers, dates of birth, photographs, and places of
324 employment of the spouses and children of such current or former
325 commissioners; and the names and locations of schools and day
326 care facilities attended by the children of such current or
327 former commissioners are exempt from s. 119.07(1) and s. 24(a),
328 Art. I of the State Constitution. This sub-subparagraph is
329 subject to the Open Government Sunset Review Act in accordance
330 with s. 119.15 and shall stand repealed on October 2, 2029,
331 unless reviewed and saved from repeal through reenactment by the
332 Legislature.

333 y. The home addresses, telephone numbers, dates of birth,
334 and photographs of current clerks of the circuit court, deputy
335 clerks of the circuit court, and clerk of the circuit court
336 personnel; the names, home addresses, telephone numbers, dates
337 of birth, and places of employment of the spouses and children
338 of current clerks of the circuit court, deputy clerks of the
339 circuit court, and clerk of the circuit court personnel; and the
340 names and locations of schools and day care facilities attended
341 by the children of current clerks of the circuit court, deputy
342 clerks of the circuit court, and clerk of the circuit court
343 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
344 the State Constitution. This sub-subparagraph is subject to the
345 Open Government Sunset Review Act in accordance with s. 119.15
346 and shall stand repealed on October 2, 2029, unless reviewed and
347 saved from repeal through reenactment by the Legislature.

348 z. The home addresses, telephone numbers, dates of birth,

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349 and photographs of sexual assault counselors, as defined in s.
350 90.5035(1)(b), are exempt from s. 119.07(1) and s. 24(a), Art. I
351 of the State Constitution. This sub-subparagraph is subject to
352 the Open Government Sunset Review Act in accordance with s.
353 119.15 and shall stand repealed on October 2, 2030, unless
354 reviewed and saved from repeal through reenactment by the
355 Legislature.

356 3. An agency that is the custodian of the information
357 specified in subparagraph 2. and that is not the employer of the
358 officer, employee, justice, judge, or other person specified in
359 subparagraph 2. must maintain the exempt status of that
360 information only if the officer, employee, justice, judge, other
361 person, or employing agency of the designated employee submits a
362 written and notarized request for maintenance of the exemption
363 to the custodial agency. The request must state under oath the
364 statutory basis for the individual's exemption request and
365 confirm the individual's status as a party eligible for exempt
366 status.

367 4.a. A county property appraiser, as defined in s.
368 192.001(3), or a county tax collector, as defined in s.
369 192.001(4), who receives a written and notarized request for
370 maintenance of the exemption pursuant to subparagraph 3. must
371 comply by removing the name of the individual with exempt status
372 and the instrument number or Official Records book and page
373 number identifying the property with the exempt status from all
374 publicly available records maintained by the property appraiser
375 or tax collector. For written requests received on or before
376 July 1, 2021, a county property appraiser or county tax
377 collector must comply with this sub-subparagraph by October 1,

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378 2021. A county property appraiser or county tax collector may
379 not remove the street address, legal description, or other
380 information identifying real property within the agency's
381 records so long as a name or personal information otherwise
382 exempt from inspection and copying pursuant to this section is
383 not associated with the property or otherwise displayed in the
384 public records of the agency.

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

388 5. An officer, an employee, a justice, a judge, or other
389 person specified in subparagraph 2. may submit a written request
390 for the release of his or her exempt information to the
391 custodial agency. The written request must be notarized and must
392 specify the information to be released and the party authorized
393 to receive the information. Upon receipt of the written request,
394 the custodial agency must release the specified information to
395 the party authorized to receive such information.

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

399 7. Information made exempt under this paragraph may be
400 disclosed pursuant to s. 28.2221 to a title insurer authorized
401 pursuant to s. 624.401 and its affiliates as defined in s.
402 624.10; a title insurance agent or title insurance agency as
403 defined in s. 626.841(1) or (2), respectively; or an attorney
404 duly admitted to practice law in this state and in good standing
405 with The Florida Bar.

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

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407 Official Records is maintained only during the period when a
408 protected party resides at the dwelling location. Upon
409 conveyance of real property after October 1, 2021, and when such
410 real property no longer constitutes a protected party's home
411 address as defined in sub-subparagraph 1.a., the protected party
412 must submit a written request to release the removed information
413 to the county recorder. The written request to release the
414 removed information must be notarized, must confirm that a
415 protected party's request for release is pursuant to a
416 conveyance of his or her dwelling location, and must specify the
417 Official Records book and page, instrument number, or clerk's
418 file number for each document containing the information to be
419 released.

420 9. Upon the death of a protected party as verified by a
421 certified copy of a death certificate or court order, any party
422 can request the county recorder to release a protected
423 decedent's removed information unless there is a related request
424 on file with the county recorder for continued removal of the
425 decedent's information or unless such removal is otherwise
426 prohibited by statute or by court order. The written request to
427 release the removed information upon the death of a protected
428 party must attach the certified copy of a death certificate or
429 court order and must be notarized, must confirm the request for
430 release is due to the death of a protected party, and must
431 specify the Official Records book and page number, instrument
432 number, or clerk's file number for each document containing the
433 information to be released. A fee may not be charged for the
434 release of any document pursuant to such request.

435 Section 2. The Legislature finds that it is a public

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436 necessity that the home addresses, telephone numbers, dates of
437 birth, and photographs of sexual assault counselors, as defined
438 in s. 90.5035(1), Florida Statutes, be made exempt from s.
439 119.07(1), Florida Statutes, and s. 24(a), Article I of the
440 State Constitution. Sexual assault counselors regularly support
441 individuals who are victims of crime by offering emotional
442 assistance, providing resources, and helping the victims
443 navigate the legal process. Sexual assault counselors often work
444 closely with law enforcement agencies, government organizations,
445 and other entities to ensure that the victims' rights are upheld
446 and the victims' needs are addressed. The personal identifying
447 and location information of sexual assault counselors is
448 frequently documented in police reports or other official
449 records that are provided to a defendant and his or her legal
450 counsel as part of the discovery process. Those documents are
451 subject to public records requests, making the sexual assault
452 counselors' personal identifying and location information
453 readily available. The release of this information has led to
454 sexual assault counselors becoming targets of harassment,
455 threats, and retaliation from individuals connected to the cases
456 on which the sexual assault counselors work. The Legislature
457 finds that the release of such personal identifying and location
458 information could place sexual assault counselors in danger of
459 being stalked or physically or emotionally harmed by a defendant
460 or other individual. Therefore, the Legislature finds that the
461 harm that may result from the release of such personal
462 identifying and location information outweighs any public
463 benefit that may be derived from the disclosure of the
464 information.

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Section 3. This act shall take effect July 1, 2025.