

1                   A bill to be entitled  
2     An act relating to public records; amending s.  
3     119.071, F.S.; providing definitions; providing an  
4     exemption from public record requirements for certain  
5     identifying and location information of current or  
6     former agency employees and the spouses and children  
7     of such employees; providing for retroactive  
8     application; specifying that the exemption does not  
9     limit certain existing exemptions; providing for  
10    future legislative review and repeal of the exemption;  
11    amending ss. 28.2221, 119.0714, 409.2577, and  
12    744.21031, F.S.; conforming cross-references to  
13    changes made by the act; providing a statement of  
14    public necessity; providing an effective date.

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

17  
18       **Section 1. Paragraphs (d) and (e) of subsection (4) of**  
19   **section 119.071, Florida Statutes, are redesignated as**  
20   **paragraphs (e) and (f), respectively, and a new paragraph (d) is**  
21   **added to that subsection to read:**

22       119.071 General exemptions from inspection or copying of  
23    public records.—

24       (4) AGENCY PERSONNEL INFORMATION.—

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

26        a. "Home addresses" means the dwelling location at which  
27 an individual resides and includes the physical address, mailing  
28 address, and street address.

29        b. "Telephone numbers" includes home telephone numbers,  
30 personal cellular telephone numbers, personal pager telephone  
31 numbers, and telephone numbers associated with personal  
32 communications devices.

33        2. The home addresses, telephone numbers, personal  
34 electronic mail addresses, and dates of birth of current or  
35 former agency employees; the names, home addresses, telephone  
36 numbers, personal electronic mail addresses, dates of birth, and  
37 places of employment of the spouses and children of such  
38 employees; and the names and locations of schools and day care  
39 facilities attended by the children of such employees held by  
40 the employing agency are exempt from s. 119.07(1) and s. 24(a),  
41 Art. I of the State Constitution. This exemption applies to such  
42 information held by an employing agency before, on, or after the  
43 effective date of this exemption.

44        3. The exemption provided in subparagraph 2. does not  
45 limit any exemption contained in paragraph (e).

46        4. This paragraph is subject to the Open Government Sunset  
47 Review Act in accordance with s. 119.15 and shall stand repealed  
48 on October 2, 2031, unless reviewed and saved from repeal  
49 through reenactment by the Legislature.

50        **Section 2. Paragraph (b) of subsection (2) and paragraph**

51 **(b) of subsection (6) of section 28.2221, Florida Statutes, are**  
52 **amended to read:**

53 28.2221 Electronic access to official records.—

54 (2)

55 (b) Unless otherwise required by the court, a county  
56 recorder may not remove the grantor name, grantee name, or party  
57 name from the register of the Official Records, as described in  
58 s. 28.222(2), and the index on the publicly available Internet  
59 website on the basis of an exemption as defined in s. 119.011  
60 unless the name of the grantor or grantee includes the street  
61 address portion of the home address as defined in s.

62 119.071(4)(e) ~~s. 119.071(4)(d)~~, in which case the county  
63 recorder must remove the street address portion from display.  
64 Home addresses, as defined in s. 119.071(4)(e) ~~s. 119.071(4)(d)~~,  
65 which are exempt from inspection or copying under s. 119.071  
66 must be included within the Official Records as described in s.  
67 28.222(2) but may not be included within the index or otherwise  
68 displayed on the county recorder's publicly available Internet  
69 website on which images or copies of the county's official  
70 records are placed.

71 (6)

72 (b)1. For the purpose of conducting a title search, as  
73 defined in s. 627.7711(4), of the Official Records, as described  
74 in s. 28.222(2), and upon presentation of photo identification  
75 and affirmation by sworn affidavit consistent with s. 92.50 to

76 the county recorder, information restricted from public display,  
77 inspection, or copying under paragraph (5)(a) pursuant to a  
78 request for removal made under s. 119.071(4)(e) ~~s. 119.071(4)(d)~~  
79 may be disclosed to:

80 a. A title insurer authorized pursuant to s. 624.401 and  
81 its affiliates as defined in s. 624.10;

82 b. A title insurance agent or title insurance agency as  
83 defined in s. 626.841(1) and (2), respectively; or

84 c. An attorney duly admitted to practice law in this state  
85 and in good standing with The Florida Bar.

86 2. The photo identification and affirmation by sworn  
87 affidavit may be delivered in person, by mail, or by electronic  
88 transmission to the county recorder.

89 3. The affiant requestor must attest to his or her  
90 authority and the authorized purpose to access exempt  
91 information pursuant to this section for the property specified  
92 within the sworn affidavit.

93 4. The affiant requestor must identify the Official  
94 Records book and page number, instrument number, or the clerk's  
95 file number for each document requested within the sworn  
96 affidavit and must include a description of the lawful purpose  
97 and identify the individual or property that is the subject of  
98 the search within the sworn affidavit.

99 5. Affidavits submitted by a title insurer, title  
100 insurance agent, or title insurance agency must include the

101 Florida Company Code or the license number, as applicable, and  
102 an attestation to the affiant requestor's authorization to  
103 transact business in this state. Affidavits submitted by an  
104 attorney authorized under this section must include the affiant  
105 requestor's Florida Bar number and a statement that the affiant  
106 requestor has an agency agreement with a title insurer directly  
107 or through his or her law firm.

108         6. The county recorder must record such affidavit in the  
109 Official Records, as described in s. 28.222(2), but may not  
110 place the image or copy of the affidavit on a publicly available  
111 Internet website for general public display.

112         7. Upon providing a document disclosing redacted  
113 information to an affiant requestor under this section, the  
114 county recorder must provide a copy of the affidavit requesting  
115 disclosure of the redacted information to each affected party at  
116 the address listed on the document or on the request for removal  
117 made by the affected party under s. 119.071. The county recorder  
118 must prepare a certificate of mailing to be affixed to the  
119 affidavit and must receive the statutory service charges as  
120 prescribed by s. 28.24 from the affiant requestor.

121         8. Any party making a false attestation under this section  
122 is subject to the penalty of perjury under s. 837.012.

123         **Section 3. Paragraph (f) of subsection (2) and paragraph**  
124 **(f) of subsection (3) of section 119.0714, Florida Statutes, are**  
125 **amended to read:**

119.0714 Court files; court records; official records.—

(2) COURT RECORDS.—

(f) A request for maintenance of a public records exemption in s. 119.071(4)(e)2. ~~s. 119.071(4)(d)2.~~ made pursuant to s. 119.071(4)(e)3. ~~s. 119.071(4)(d)3.~~ must specify the document type, name, identification number, and page number of the court record that contains the exempt information.

(3) OFFICIAL RECORDS.—A person who prepares or files a record for recording in the official records as provided in chapter 28 may not include in that record a social security number or a bank account, debit, charge, or credit card number unless otherwise expressly required by law.

(f) A request for maintenance of a public records exemption in s. 119.071(4)(e)2. ~~s. 119.071(4)(d)2.~~ made pursuant to s. 119.071(4)(e)3. ~~s. 119.071(4)(d)3.~~ must specify the document type, name, identification number, and page number of the official record that contains the exempt information.

**Section 4. Section 409.2577, Florida Statutes, is amended to read:**

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information

151 from the records of any person or the state or any of its  
152 political subdivisions or any officer thereof. Any agency as  
153 defined in s. 120.52, any political subdivision, and any other  
154 person shall, upon request, provide the department any  
155 information relating to location, salary, insurance, social  
156 security, income tax, and employment history necessary to locate  
157 parents who owe or potentially owe a duty of support pursuant to  
158 Title IV-D of the Social Security Act. This provision shall  
159 expressly take precedence over any other statutory nondisclosure  
160 provision which limits the ability of an agency to disclose such  
161 information, except that law enforcement information as provided  
162 in s. 119.071(4)(e) ~~s. 119.071(4)(d)~~ is not required to be  
163 disclosed, and except that confidential taxpayer information  
164 possessed by the Department of Revenue shall be disclosed only  
165 to the extent authorized in s. 213.053(16). Nothing in this  
166 section requires the disclosure of information if such  
167 disclosure is prohibited by federal law. Information gathered or  
168 used by the parent locator service is confidential and exempt  
169 from the provisions of s. 119.07(1). Additionally, the  
170 department is authorized to collect any additional information  
171 directly bearing on the identity and whereabouts of a person  
172 owing or asserted to be owing an obligation of support for a  
173 dependent child. The department shall, upon request, make  
174 information available only to public officials and agencies of  
175 this state; political subdivisions of this state, including any

agency thereof providing child support enforcement services to non-Title IV-D clients; the parent owed support, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the sole purpose of establishing, modifying, or enforcing their liability for support, and shall make such information available to the Department of Children and Families for the purpose of diligent search activities pursuant to chapter 39. If the department has reasonable evidence of domestic violence or child abuse and the disclosure of information could be harmful to the parent owed support or the child of such parent, the child support program director or designee shall notify the Department of Children and Families and the Secretary of the United States Department of Health and Human Services of this evidence. Such evidence is sufficient grounds for the department to disapprove an application for location services.

**Section 5. Paragraph (c) of subsection (1) of section 744.21031, Florida Statutes, is amended to read:**

744.21031 Public records exemption.—

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

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

**Section 6. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, personal**



electronic mail addresses, and dates of birth of current or  
former agency employees; the names, home addresses, telephone  
numbers, personal electronic mail addresses, dates of birth, and  
places of employment of the spouses and children of such  
employees; and the names and locations of schools and day care  
facilities attended by the children of such employees held by  
the employing agency be made exempt from s. 119.07(1), Florida  
Statutes, and s. 24(a), Article I of the State Constitution.  
Current or former agency employees and their spouses and  
children may be targets of harassment, stalking, intimidation,  
threats, or other forms of harm due to the nature of the  
employees' public duties. The public release of home addresses,  
telephone numbers, and personal electronic mail addresses could  
enable a person intent on harming or harassing such employee or  
the employee's family to directly contact, locate, or surveil  
such individuals. Protecting such information reduces the risk  
of unwanted contact, cyberstalking, and other privacy invasions.  
In addition, the public release of the names and places of  
employment of the spouses and children of current or former  
agency employees poses additional risks of harm to such  
individuals. Disclosure of such information increases the  
ability of malicious actors to directly target or locate the  
family members of current or former agency employees. Protecting  
this information reduces the risk of harassment, stalking, or  
physical harm to the spouses and children of such employees.

Additionally, the release of dates of birth of current or former agency employees and their spouses and children poses a risk of identity theft, fraud, and impersonation. Dates of birth are commonly used as a means of verifying identity and, when combined with other identifying information, may be used by malicious actors to falsely represent themselves as the individual and gain unauthorized access to financial accounts or otherwise misuse the individual's identity for unlawful purposes. Protecting this information is therefore essential to reducing the risk of identity theft, fraud, impersonation, and other unlawful use of such information. Furthermore, the release of the names and locations of schools and day care facilities attended by the children of current or former agency employees poses a risk to the safety of such children. Disclosure of this information would enable a person to locate the children of such employees at predictable times and places. Protecting this information is therefore essential to preventing potential harm, including stalking, harassment, kidnapping, or other threats to the well-being of such employees' minor children. Finally, the Legislature finds that current or former agency employees and their families should not be subject to increased safety risks or other privacy invasions solely because the employee works or worked for an agency.

**Section 7.** This act shall take effect upon becoming a law.