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CS/HB 417, Engrossed 2

2018 Legislature

1
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing an exemption from public
 4 records requirements for certain identifying and
 5 location information of current or former directors,
 6 managers, supervisors, and clinical employees of child
 7 advocacy centers that meet certain standards and
 8 requirements, members of a child protection team, and
 9 the spouses and children thereof; providing for
 10 retroactive application; providing for future
 11 legislative review and repeal of the exemption;
 12 providing a statement of public necessity; providing
 13 an effective date.

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

16
 17 Section 1. Paragraph (d) of subsection (4) of section
 18 119.071, Florida Statutes, is amended to read:

19 119.071 General exemptions from inspection or copying of
 20 public records.—

21 (4) AGENCY PERSONNEL INFORMATION.—

22 (d)1. For purposes of this paragraph, the term "telephone
 23 numbers" includes home telephone numbers, personal cellular
 24 telephone numbers, personal pager telephone numbers, and
 25 telephone numbers associated with personal communications

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26 | devices.

27 | 2.a. The home addresses, telephone numbers, dates of
28 | birth, and photographs of active or former sworn or civilian law
29 | enforcement personnel, including correctional and correctional
30 | probation officers, personnel of the Department of Children and
31 | Families whose duties include the investigation of abuse,
32 | neglect, exploitation, fraud, theft, or other criminal
33 | activities, personnel of the Department of Health whose duties
34 | are to support the investigation of child abuse or neglect, and
35 | personnel of the Department of Revenue or local governments
36 | whose responsibilities include revenue collection and
37 | enforcement or child support enforcement; the names, home
38 | addresses, telephone numbers, photographs, dates of birth, and
39 | places of employment of the spouses and children of such
40 | personnel; and the names and locations of schools and day care
41 | facilities attended by the children of such personnel are exempt
42 | from s. 119.07(1) and s. 24(a), Art. I of the State
43 | Constitution. This sub-subparagraph is subject to the Open
44 | Government Sunset Review Act in accordance with s. 119.15 and
45 | shall stand repealed on October 2, 2022, unless reviewed and
46 | saved from repeal through reenactment by the Legislature.

47 | b. The home addresses, telephone numbers, dates of birth,
48 | and photographs of current or former nonsworn investigative
49 | personnel of the Department of Financial Services whose duties
50 | include the investigation of fraud, theft, workers' compensation

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51 coverage requirements and compliance, other related criminal
52 activities, or state regulatory requirement violations; the
53 names, home addresses, telephone numbers, dates of birth, and
54 places of employment of the spouses and children of such
55 personnel; and the names and locations of schools and day care
56 facilities attended by the children of such personnel are exempt
57 from s. 119.07(1) and s. 24(a), Art. I of the State
58 Constitution. This sub-subparagraph is subject to the Open
59 Government Sunset Review Act in accordance with s. 119.15 and
60 shall stand repealed on October 2, 2021, unless reviewed and
61 saved from repeal through reenactment by the Legislature.

62 c. The home addresses, telephone numbers, dates of birth,
63 and photographs of current or former nonsworn investigative
64 personnel of the Office of Financial Regulation's Bureau of
65 Financial Investigations whose duties include the investigation
66 of fraud, theft, other related criminal activities, or state
67 regulatory requirement violations; the names, home addresses,
68 telephone numbers, dates of birth, and places of employment of
69 the spouses and children of such personnel; and the names and
70 locations of schools and day care facilities attended by the
71 children of such personnel are exempt from s. 119.07(1) and s.
72 24(a), Art. I of the State Constitution. This sub-subparagraph
73 is subject to the Open Government Sunset Review Act in
74 accordance with s. 119.15 and shall stand repealed on October 2,
75 2022, unless reviewed and saved from repeal through reenactment

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76 | by the Legislature.

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. This sub-
85 | subparagraph is subject to the Open Government Sunset Review Act
86 | in accordance with s. 119.15, and shall stand repealed on
87 | October 2, 2022, unless reviewed and saved from repeal through
88 | reenactment by the Legislature.

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; the names, home addresses, telephone
93 | numbers, dates of birth, and places of employment of the spouses
94 | and children of current or former justices and judges; and the
95 | names and locations of schools and day care facilities attended
96 | by the children of current or former justices and judges are
97 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
98 | Constitution. This sub-subparagraph is subject to the Open
99 | Government Sunset Review Act in accordance with s. 119.15 and
100 | shall stand repealed on October 2, 2022, unless reviewed and

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101 saved from repeal through reenactment by the Legislature.

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

114 g. The home addresses, dates of birth, and telephone
 115 numbers of general magistrates, special magistrates, judges of
 116 compensation claims, administrative law judges of the Division
 117 of Administrative Hearings, and child support enforcement
 118 hearing officers; the names, home addresses, telephone numbers,
 119 dates of birth, and places of employment of the spouses and
 120 children of general magistrates, special magistrates, judges of
 121 compensation claims, administrative law judges of the Division
 122 of Administrative Hearings, and child support enforcement
 123 hearing officers; and the names and locations of schools and day
 124 care facilities attended by the children of general magistrates,
 125 special magistrates, judges of compensation claims,

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126 administrative law judges of the Division of Administrative
127 Hearings, and child support enforcement hearing officers are
128 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
129 Constitution. This sub-subparagraph is subject to the Open
130 Government Sunset Review Act in accordance with s. 119.15 and
131 shall stand repealed on October 2, 2022, unless reviewed and
132 saved from repeal through reenactment by the Legislature.

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,
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

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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. This sub-
161 subparagraph is subject to the Open Government Sunset Review Act
162 in accordance with s. 119.15 and shall stand repealed on October
163 2, 2022, unless reviewed and saved from repeal through
164 reenactment by the Legislature.

165 k. The home addresses, telephone numbers, dates of birth,
166 and photographs of current or former juvenile probation
167 officers, juvenile probation supervisors, detention
168 superintendents, assistant detention superintendents, juvenile
169 justice detention officers I and II, juvenile justice detention
170 officer supervisors, juvenile justice residential officers,
171 juvenile justice residential officer supervisors I and II,
172 juvenile justice counselors, juvenile justice counselor
173 supervisors, human services counselor administrators, senior
174 human services counselor administrators, rehabilitation
175 therapists, and social services counselors of the Department of

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176 Juvenile Justice; the names, home addresses, telephone numbers,
177 dates of birth, and places of employment of spouses and children
178 of such personnel; and the names and locations of schools and
179 day care facilities attended by the children of such personnel
180 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
181 Constitution.

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

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201 Constitution. This sub-subparagraph is subject to the Open
202 Government Sunset Review Act in accordance with s. 119.15 and
203 shall stand repealed on October 2, 2022, unless reviewed and
204 saved from repeal through reenactment by the Legislature.

205 n. The home addresses, telephone numbers, and dates of
206 birth of county tax collectors; the names, home addresses,
207 telephone numbers, dates of birth, and places of employment of
208 the spouses and children of such tax collectors; and the names
209 and locations of schools and day care facilities attended by the
210 children of such tax collectors are exempt from s. 119.07(1) and
211 s. 24(a), Art. I of the State Constitution. This sub-
212 subparagraph is subject to the Open Government Sunset Review Act
213 in accordance with s. 119.15 and shall stand repealed on October
214 2, 2022, unless reviewed and saved from repeal through
215 reenactment by the Legislature.

216 o. The home addresses, telephone numbers, dates of birth,
217 and photographs of current or former personnel of the Department
218 of Health whose duties include, or result in, the determination
219 or adjudication of eligibility for social security disability
220 benefits, the investigation or prosecution of complaints filed
221 against health care practitioners, or the inspection of health
222 care practitioners or health care facilities licensed by the
223 Department of Health; the names, home addresses, telephone
224 numbers, dates of birth, and places of employment of the spouses
225 and children of such personnel; and the names and locations of

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226 | schools and day care facilities attended by the children of such
 227 | personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 228 | the State Constitution. This sub-subparagraph is subject to the
 229 | Open Government Sunset Review Act in accordance with s. 119.15
 230 | and shall stand repealed on October 2, 2019, unless reviewed and
 231 | saved from repeal through reenactment by the Legislature.

232 | p. The home addresses, telephone numbers, dates of birth,
 233 | and photographs of current or former impaired practitioner
 234 | consultants who are retained by an agency or current or former
 235 | employees of an impaired practitioner consultant whose duties
 236 | result in a determination of a person's skill and safety to
 237 | practice a licensed profession; the names, home addresses,
 238 | telephone numbers, dates of birth, and places of employment of
 239 | the spouses and children of such consultants or their employees;
 240 | and the names and locations of schools and day care facilities
 241 | attended by the children of such consultants or employees are
 242 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 243 | Constitution. This sub-subparagraph is subject to the Open
 244 | Government Sunset Review Act in accordance with s. 119.15 and
 245 | shall stand repealed on October 2, 2020, unless reviewed and
 246 | saved from repeal through reenactment by the Legislature.

247 | q. The home addresses, telephone numbers, dates of birth,
 248 | and photographs of current or former emergency medical
 249 | technicians or paramedics certified under chapter 401; the
 250 | names, home addresses, telephone numbers, dates of birth, and

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251 places of employment of the spouses and children of such
252 emergency medical technicians or paramedics; and the names and
253 locations of schools and day care facilities attended by the
254 children of such emergency medical technicians or paramedics are
255 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
256 Constitution. This sub-subparagraph is subject to the Open
257 Government Sunset Review Act in accordance with s. 119.15 and
258 shall stand repealed on October 2, 2021, unless reviewed and
259 saved from repeal through reenactment by the Legislature.

260 r. The home addresses, telephone numbers, dates of birth,
261 and photographs of current or former personnel employed in an
262 agency's office of inspector general or internal audit
263 department whose duties include auditing or investigating waste,
264 fraud, abuse, theft, exploitation, or other activities that
265 could lead to criminal prosecution or administrative discipline;
266 the names, home addresses, telephone numbers, dates of birth,
267 and places of employment of spouses and children of such
268 personnel; and the names and locations of schools and day care
269 facilities attended by the children of such personnel are exempt
270 from s. 119.07(1) and s. 24(a), Art. I of the State
271 Constitution. This sub-subparagraph is subject to the Open
272 Government Sunset Review Act in accordance with s. 119.15 and
273 shall stand repealed on October 2, 2021, unless reviewed and
274 saved from repeal through reenactment by the Legislature.

275 s. The home addresses, telephone numbers, dates of birth,

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276 and photographs of current or former directors, managers,
277 supervisors, and clinical employees of a child advocacy center
278 that meets the standards of s. 39.3035(1) and fulfills the
279 screening requirement of s. 39.3035(2), and the members of a
280 child protection team as described in s. 39.303 whose duties
281 include supporting the investigation of child abuse or sexual
282 abuse, child abandonment, child neglect, and child exploitation
283 or to provide services as part of a multidisciplinary case
284 review team; the names, home addresses, telephone numbers,
285 photographs, dates of birth, and places of employment of the
286 spouses and children of such personnel and members; and the
287 names and locations of schools and day care facilities attended
288 by the children of such personnel and members are exempt from s.
289 119.07(1) and s. 24(a), Art. I of the State Constitution. This
290 sub-subparagraph is subject to the Open Government Sunset Review
291 Act in accordance with s. 119.15 and shall stand repealed on
292 October 2, 2023, unless reviewed and saved from repeal through
293 reenactment by the Legislature.

294 3. An agency that is the custodian of the information
295 specified in subparagraph 2. and that is not the employer of the
296 officer, employee, justice, judge, or other person specified in
297 subparagraph 2. shall maintain the exempt status of that
298 information only if the officer, employee, justice, judge, other
299 person, or employing agency of the designated employee submits a
300 written request for maintenance of the exemption to the

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301 | custodial agency.

302 | 4. The exemptions in this paragraph apply to information
303 | held by an agency before, on, or after the effective date of the
304 | exemption.

305 | Section 2. (1) The Legislature finds that it is a public
306 | necessity that the following identifying and location
307 | information be exempt from s. 119.07(1), Florida Statutes, and
308 | s. 24(a), Article I of the State Constitution:

309 | (a) The home addresses, telephone numbers, dates of birth,
310 | and photographs of current or former directors, managers,
311 | supervisors, and clinical employees of a child advocacy center
312 | that meets the standards of s. 39.3035(1), Florida Statutes, and
313 | fulfills the screening requirement of s. 39.3035(2), Florida
314 | Statutes.

315 | (b) The home addresses, telephone numbers, dates of birth,
316 | and photographs of current or former members of a child
317 | protection team as described in s. 39.303, Florida Statutes,
318 | whose duties include supporting the investigation of child
319 | abuse, or sexual abuse, child abandonment, child neglect, or
320 | child exploitation or to provide services as part of a
321 | multidisciplinary case review team.

322 | (c) The names, home addresses, telephone numbers,
323 | photographs, dates of birth, and places of employment of the
324 | spouses and children of personnel and members identified in
325 | paragraphs (a) and (b).

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326 (d) The names and locations of schools and day care
327 facilities attended by the children of such personnel and
328 members.

329 (2) The Legislature finds that the release of such
330 identifying and location information may place current or former
331 directors, managers, supervisors, and clinical employees of a
332 child advocacy center that meets the standards of s. 39.3035(1),
333 Florida Statutes, and fulfills the screening requirement of s.
334 39.3035(2), Florida Statutes, and the members of a child
335 protection team as described in s. 39.303, Florida Statutes,
336 whose duties include supporting the investigation of child
337 abuse, or sexual abuse, child abandonment, child neglect, or
338 child exploitation or to provide services as part of a
339 multidisciplinary case review team, and the family members of
340 such personnel, in danger of physical and emotional harm from
341 hostile persons who may react inappropriately and violently to
342 actions taken by such directors, managers, supervisors, or
343 clinical employees of a child advocacy center or a member of a
344 child protection team. These personnel and members provide
345 services that are necessary and appropriate for abused,
346 abandoned, neglected, and exploited children. In addition, these
347 personnel and members provide valuable and supportive services
348 to the state's most vulnerable residents. Despite the value of
349 such services, some persons may become hostile toward these
350 personnel and members and may pose a threat to them

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351 | indefinitely. The harm that may result from the release of such
352 | personal identifying and location information outweighs any
353 | public benefit that may be derived from the disclosure of the
354 | information.

355 | Section 3. This act shall take effect July 1, 2018.