

HB 1015

2015

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 certain identifying
5 information related to active or former sworn or
6 civilian law enforcement personnel and other specified
7 agency personnel; providing an exemption from public
8 records requirements for certain information related
9 to current and former state attorneys, assistant state
10 attorneys, statewide prosecutors, and assistant
11 statewide prosecutors and their parents, siblings, or
12 cohabitants; providing for future legislative review
13 and repeal of the exemptions; 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. Paragraph (d) of subsection (4) of section
19 119.071, Florida Statutes, is amended to read:

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

22 (4) AGENCY PERSONNEL INFORMATION.—

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

27 devices.

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

44 (II) The names of the spouses and children of active or
45 former sworn or civilian law enforcement personnel and the other
46 specified agency personnel identified in sub-sub-subparagraph
47 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
48 State Constitution.

49 ~~(III)~~ This sub-sub-subparagraph ~~(II)~~ is subject to the
50 Open Government Sunset Review Act in accordance with s. 119.15~~7~~
51 and shall stand repealed on October 2, 2018, unless reviewed and
52 saved from repeal through reenactment by the Legislature.

53 (III) The residential addresses other than home addresses,
54 including former residences, of active or former sworn or
55 civilian law enforcement personnel and the other specified
56 agency personnel identified in sub-sub-subparagraph (I),
57 including residences in which such personnel frequently reside,
58 and the e-mail addresses, driver license numbers, license plate
59 numbers, banking and financial information, and information
60 identifying former places of employment of such personnel are
61 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
62 Constitution. This sub-sub-subparagraph is subject to the Open
63 Government Sunset Review Act in accordance with s. 119.15 and
64 shall stand repealed on October 2, 2020, unless reviewed and
65 saved from repeal through reenactment by the Legislature.

66 b. The home addresses, telephone numbers, dates of birth,
67 and photographs of firefighters certified in compliance with s.
68 633.408; the home addresses, telephone numbers, photographs,
69 dates of birth, and places of employment of the spouses and
70 children of such firefighters; and the names and locations of
71 schools and day care facilities attended by the children of such
72 firefighters are exempt from s. 119.07(1).

73 c. The home addresses, dates of birth, and telephone
74 numbers of current or former justices of the Supreme Court,
75 district court of appeal judges, circuit court judges, and
76 county court judges; the home addresses, telephone numbers,
77 dates of birth, and places of employment of the spouses and
78 children of current or former justices and judges; and the names

79 and locations of schools and day care facilities attended by the
80 children of current or former justices and judges are exempt
81 from s. 119.07(1).

82 d.(I) The home addresses, telephone numbers, social
83 security numbers, dates of birth, and photographs of current or
84 former state attorneys, assistant state attorneys, statewide
85 prosecutors, or assistant statewide prosecutors; the home
86 addresses, telephone numbers, social security numbers,
87 photographs, dates of birth, and places of employment of the
88 spouses and children of current or former state attorneys,
89 assistant state attorneys, statewide prosecutors, or assistant
90 statewide prosecutors; and the names and locations of schools
91 and day care facilities attended by the children of current or
92 former state attorneys, assistant state attorneys, statewide
93 prosecutors, or assistant statewide prosecutors are exempt from
94 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

95 (II) The names of the spouses and children of current or
96 former state attorneys, assistant state attorneys, statewide
97 prosecutors, or assistant statewide prosecutors are exempt from
98 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

99 (III) Sub-sub-subparagraph (II) is subject to the Open
100 Government Sunset Review Act in accordance with s. 119.15, and
101 shall stand repealed on October 2, 2018, unless reviewed and
102 saved from repeal through reenactment by the Legislature.

103 (IV) The residential addresses other than home addresses,
104 including former residences, of current or former state

105 attorneys, assistant state attorneys, statewide prosecutors, or
106 assistant statewide prosecutors, including residences in which
107 such current or former state attorneys, assistant state
108 attorneys, statewide prosecutors, or assistant statewide
109 prosecutors frequently reside, and the e-mail addresses, driver
110 license numbers, license plate numbers, banking and financial
111 information, and information identifying former places of
112 employment of such current or former state attorneys, assistant
113 state attorneys, statewide prosecutors, or assistant statewide
114 prosecutors; and the home addresses, telephone numbers, social
115 security numbers, photographs, dates of birth, and places of
116 employment of the parents, siblings, and cohabitants of current
117 or former state attorneys, assistant state attorneys, statewide
118 prosecutors, or assistant statewide prosecutors, are exempt from
119 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
120 This sub-sub-subparagraph is subject to the Open Government
121 Sunset Review Act in accordance with s. 119.15 and shall stand
122 repealed on October 2, 2020, unless reviewed and saved from
123 repeal through reenactment by the Legislature.

124 e. The home addresses, dates of birth, and telephone
125 numbers of general magistrates, special magistrates, judges of
126 compensation claims, administrative law judges of the Division
127 of Administrative Hearings, and child support enforcement
128 hearing officers; the home addresses, telephone numbers, dates
129 of birth, and places of employment of the spouses and children
130 of general magistrates, special magistrates, judges of

131 compensation claims, administrative law judges of the Division
 132 of Administrative Hearings, and child support enforcement
 133 hearing officers; and the names and locations of schools and day
 134 care facilities attended by the children of general magistrates,
 135 special magistrates, judges of compensation claims,
 136 administrative law judges of the Division of Administrative
 137 Hearings, and child support enforcement hearing officers are
 138 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 139 Constitution if the general magistrate, special magistrate,
 140 judge of compensation claims, administrative law judge of the
 141 Division of Administrative Hearings, or child support hearing
 142 officer provides a written statement that the general
 143 magistrate, special magistrate, judge of compensation claims,
 144 administrative law judge of the Division of Administrative
 145 Hearings, or child support hearing officer has made reasonable
 146 efforts to protect such information from being accessible
 147 through other means available to the public.

148 f. The home addresses, telephone numbers, dates of birth,
 149 and photographs of current or former human resource, labor
 150 relations, or employee relations directors, assistant directors,
 151 managers, or assistant managers of any local government agency
 152 or water management district whose duties include hiring and
 153 firing employees, labor contract negotiation, administration, or
 154 other personnel-related duties; the names, home addresses,
 155 telephone numbers, dates of birth, and places of employment of
 156 the spouses and children of such personnel; and the names and

157 | locations of schools and day care facilities attended by the
158 | children of such personnel are exempt from s. 119.07(1) and s.
159 | 24(a), Art. I of the State Constitution.

160 | g. The home addresses, telephone numbers, dates of birth,
161 | and photographs of current or former code enforcement officers;
162 | the names, home addresses, telephone numbers, dates of birth,
163 | and places of employment of the spouses and children of such
164 | personnel; and the names and locations of schools and day care
165 | facilities attended by the children of such personnel are exempt
166 | from s. 119.07(1) and s. 24(a), Art. I of the State
167 | Constitution.

168 | h. The home addresses, telephone numbers, places of
169 | employment, dates of birth, and photographs of current or former
170 | guardians ad litem, as defined in s. 39.820; the names, home
171 | addresses, telephone numbers, dates of birth, and places of
172 | employment of the spouses and children of such persons; and the
173 | names and locations of schools and day care facilities attended
174 | by the children of such persons are exempt from s. 119.07(1) and
175 | s. 24(a), Art. I of the State Constitution, if the guardian ad
176 | litem provides a written statement that the guardian ad litem
177 | has made reasonable efforts to protect such information from
178 | being accessible through other means available to the public.

179 | i. The home addresses, telephone numbers, dates of birth,
180 | and photographs of current or former juvenile probation
181 | officers, juvenile probation supervisors, detention
182 | superintendents, assistant detention superintendents, juvenile

183 justice detention officers I and II, juvenile justice detention
184 officer supervisors, juvenile justice residential officers,
185 juvenile justice residential officer supervisors I and II,
186 juvenile justice counselors, juvenile justice counselor
187 supervisors, human services counselor administrators, senior
188 human services counselor administrators, rehabilitation
189 therapists, and social services counselors of the Department of
190 Juvenile Justice; the names, home addresses, telephone numbers,
191 dates of birth, and places of employment of spouses and children
192 of such personnel; and the names and locations of schools and
193 day care facilities attended by the children of such personnel
194 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
195 Constitution.

196 j.(I) The home addresses, telephone numbers, dates of
197 birth, and photographs of current or former public defenders,
198 assistant public defenders, criminal conflict and civil regional
199 counsel, and assistant criminal conflict and civil regional
200 counsel; the home addresses, telephone numbers, dates of birth,
201 and places of employment of the spouses and children of such
202 defenders or counsel; and the names and locations of schools and
203 day care facilities attended by the children of such defenders
204 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
205 the State Constitution.

206 (II) The names of the spouses and children of the
207 specified agency personnel identified in sub-sub-subparagraph
208 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the

HB 1015

2015

209 State Constitution. This sub-sub-subparagraph is subject to the
210 Open Government Sunset Review Act in accordance with s. 119.15
211 and shall stand repealed on October 2, 2019, unless reviewed and
212 saved from repeal through reenactment by the Legislature.

213 k. The home addresses, telephone numbers, and photographs
214 of current or former investigators or inspectors of the
215 Department of Business and Professional Regulation; the names,
216 home addresses, telephone numbers, and places of employment of
217 the spouses and children of such current or former investigators
218 and inspectors; and the names and locations of schools and day
219 care facilities attended by the children of such current or
220 former investigators and inspectors are exempt from s. 119.07(1)
221 and s. 24(a), Art. I of the State Constitution if the
222 investigator or inspector has made reasonable efforts to protect
223 such information from being accessible through other means
224 available to the public. This sub-subparagraph is subject to the
225 Open Government Sunset Review Act in accordance with s. 119.15
226 and shall stand repealed on October 2, 2017, unless reviewed and
227 saved from repeal through reenactment by the Legislature.

228 1. The home addresses and telephone numbers of county tax
229 collectors; the names, home addresses, telephone numbers, and
230 places of employment of the spouses and children of such tax
231 collectors; and the names and locations of schools and day care
232 facilities attended by the children of such tax collectors are
233 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
234 Constitution if the county tax collector has made reasonable

235 efforts to protect such information from being accessible
236 through other means available to the public. This sub-
237 subparagraph is subject to the Open Government Sunset Review Act
238 in accordance with s. 119.15 and shall stand repealed on October
239 2, 2017, unless reviewed and saved from repeal through
240 reenactment by the Legislature.

241 m. The home addresses, telephone numbers, dates of birth,
242 and photographs of current or former personnel of the Department
243 of Health whose duties include, or result in, the determination
244 or adjudication of eligibility for social security disability
245 benefits, the investigation or prosecution of complaints filed
246 against health care practitioners, or the inspection of health
247 care practitioners or health care facilities licensed by the
248 Department of Health; the names, home addresses, telephone
249 numbers, dates of birth, and places of employment of the spouses
250 and children of such personnel; and the names and locations of
251 schools and day care facilities attended by the children of such
252 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
253 the State Constitution if the personnel have made reasonable
254 efforts to protect such information from being accessible
255 through other means available to the public. This sub-
256 subparagraph is subject to the Open Government Sunset Review Act
257 in accordance with s. 119.15 and shall stand repealed on October
258 2, 2019, unless reviewed and saved from repeal through
259 reenactment by the Legislature.

260 3. An agency that is the custodian of the information

261 specified in subparagraph 2. and that is not the employer of the
262 officer, employee, justice, judge, or other person specified in
263 subparagraph 2. shall maintain the exempt status of that
264 information only if the officer, employee, justice, judge, other
265 person, or employing agency of the designated employee submits a
266 written request for maintenance of the exemption to the
267 custodial agency.

268 4. The exemptions in this paragraph apply to information
269 held by an agency before, on, or after the effective date of the
270 exemption.

271 5. Except as otherwise expressly provided in this
272 paragraph, this paragraph is subject to the Open Government
273 Sunset Review Act in accordance with s. 119.15, and shall stand
274 repealed on October 2, 2017, unless reviewed and saved from
275 repeal through reenactment by the Legislature.

276 Section 2. (1) The Legislature finds that it is a public
277 necessity that the residential addresses, e-mail addresses,
278 driver license numbers, license plate numbers, banking and
279 financial information, and information identifying former places
280 of employment of active or former sworn or civilian law
281 enforcement personnel and other specified agency personnel be
282 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
283 Article I of the State Constitution. The Legislature finds that
284 the release of such identifying and location information could
285 place such personnel in danger of being physically and
286 emotionally harmed or being stalked by a defendant or other

287 person. The Legislature finds that the harm that may result from
288 the release of such identifying and location information
289 outweighs any public benefit that may be derived from the
290 disclosure of the information.

291 (2) The Legislature finds that it is a public necessity
292 that the residential addresses, e-mail addresses, driver license
293 numbers, license plate numbers, banking and financial
294 information, and information identifying former places of
295 employment of current or former state attorneys, assistant state
296 attorneys, statewide prosecutors, and assistant statewide
297 prosecutors be made exempt from s. 119.07(1), Florida Statutes,
298 and s. 24(a), Article I of the State Constitution. The
299 Legislature further finds that it is a public necessity that the
300 home addresses, telephone numbers, social security numbers,
301 photographs, dates of birth, and places of employment of the
302 parents, siblings, and cohabitants of such persons be made
303 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
304 Article I of the State Constitution. The Legislature finds that
305 the release of such identifying and location information could
306 place the person, or a parent, sibling, or cohabitant of the
307 person, in danger of being physically and emotionally harmed or
308 being stalked by a defendant or other person. The Legislature
309 finds that the harm that may result from the release of such
310 identifying and location information outweighs any public
311 benefit that may be derived from the disclosure of the
312 information.

HB 1015

2015

313

Section 3. This act shall take effect July 1, 2015.