

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 current and former county
 6 attorneys, assistant county attorneys, deputy county
 7 attorneys, city attorneys, assistant city attorneys,
 8 and deputy city attorneys and the names and personal
 9 identifying and location information of the spouses
 10 and children of such attorneys; providing an
 11 exception; providing for future legislative review and
 12 repeal of the exemption; providing a statement of
 13 public necessity; providing 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:

23 a. "Home addresses" means the dwelling location at which
 24 an individual resides and includes the physical address, mailing
 25 address, street address, parcel identification number, plot

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26 identification number, legal property description, neighborhood
27 name and lot number, GPS coordinates, and any other descriptive
28 property information that may reveal the home 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.a. The home addresses, telephone numbers, dates of
34 birth, and photographs of active or former sworn law enforcement
35 personnel or of active or former civilian personnel employed by
36 a law enforcement agency, including correctional and
37 correctional probation officers, personnel of the Department of
38 Children and Families whose duties include the investigation of
39 abuse, neglect, exploitation, fraud, theft, or other criminal
40 activities, personnel of the Department of Health whose duties
41 are to support the investigation of child abuse or neglect, and
42 personnel of the Department of Revenue or local governments
43 whose responsibilities include revenue collection and
44 enforcement or child support enforcement; the names, home
45 addresses, telephone numbers, photographs, dates of birth, and
46 places of employment of the spouses and children of such
47 personnel; and the names and locations of schools and day care
48 facilities attended by the children of such personnel are exempt
49 from s. 119.07(1) and s. 24(a), Art. I of the State
50 Constitution.

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

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

74 d. The home addresses, telephone numbers, dates of birth,
75 and photographs of current or former firefighters certified in

76 | compliance with s. 633.408; the names, home addresses, telephone
 77 | numbers, photographs, dates of birth, and places of employment
 78 | of the spouses and children of such firefighters; and the names
 79 | and locations of schools and day care facilities attended by the
 80 | children of such firefighters are exempt from s. 119.07(1) and
 81 | s. 24(a), Art. I of the State Constitution.

82 | e. The home addresses, dates of birth, and telephone
 83 | numbers of current or former justices of the Supreme Court,
 84 | district court of appeal judges, circuit court judges, and
 85 | county court judges; the names, home addresses, telephone
 86 | numbers, dates of birth, and places of employment of the spouses
 87 | and children of current or former justices and judges; and the
 88 | names and locations of schools and day care facilities attended
 89 | by the children of current or former justices and judges are
 90 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 91 | Constitution.

92 | f. The home addresses, telephone numbers, dates of birth,
 93 | and photographs of current or former state attorneys, assistant
 94 | state attorneys, statewide prosecutors, or assistant statewide
 95 | prosecutors; the names, home addresses, telephone numbers,
 96 | photographs, dates of birth, and places of employment of the
 97 | spouses and children of current or former state attorneys,
 98 | assistant state attorneys, statewide prosecutors, or assistant
 99 | statewide prosecutors; and the names and locations of schools
 100 | and day care facilities attended by the children of current or

101 former state attorneys, assistant state attorneys, statewide
 102 prosecutors, or assistant statewide prosecutors are exempt from
 103 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

104 g. The home addresses, dates of birth, and telephone
 105 numbers of general magistrates, special magistrates, judges of
 106 compensation claims, administrative law judges of the Division
 107 of Administrative Hearings, and child support enforcement
 108 hearing officers; the names, home addresses, telephone numbers,
 109 dates of birth, and places of employment of the spouses and
 110 children of general magistrates, special magistrates, judges of
 111 compensation claims, administrative law judges of the Division
 112 of Administrative Hearings, and child support enforcement
 113 hearing officers; and the names and locations of schools and day
 114 care facilities attended by the children of general magistrates,
 115 special magistrates, judges of compensation claims,
 116 administrative law judges of the Division of Administrative
 117 Hearings, and child support enforcement hearing officers are
 118 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 119 Constitution.

120 h. The home addresses, telephone numbers, dates of birth,
 121 and photographs of current or former human resource, labor
 122 relations, or employee relations directors, assistant directors,
 123 managers, or assistant managers of any local government agency
 124 or water management district whose duties include hiring and
 125 firing employees, labor contract negotiation, administration, or

126 other personnel-related duties; the names, home addresses,
127 telephone numbers, dates of birth, and places of employment of
128 the spouses and children of such personnel; and the names and
129 locations of schools and day care facilities attended by the
130 children of such personnel are exempt from s. 119.07(1) and s.
131 24(a), Art. I of the State Constitution.

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

140 j. The home addresses, telephone numbers, places of
141 employment, dates of birth, and photographs of current or former
142 guardians ad litem, as defined in s. 39.820; the names, home
143 addresses, telephone numbers, dates of birth, and places of
144 employment of the spouses and children of such persons; and the
145 names and locations of schools and day care facilities attended
146 by the children of such persons are exempt from s. 119.07(1) and
147 s. 24(a), Art. I of the State Constitution.

148 k. The home addresses, telephone numbers, dates of birth,
149 and photographs of current or former juvenile probation
150 officers, juvenile probation supervisors, detention

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

165 1. The home addresses, telephone numbers, dates of birth,
166 and photographs of current or former public defenders, assistant
167 public defenders, criminal conflict and civil regional counsel,
168 and assistant criminal conflict and civil regional counsel; the
169 names, home addresses, telephone numbers, dates of birth, and
170 places of employment of the spouses and children of current or
171 former public defenders, assistant public defenders, criminal
172 conflict and civil regional counsel, and assistant criminal
173 conflict and civil regional counsel; and the names and locations
174 of schools and day care facilities attended by the children of
175 current or former public defenders, assistant public defenders,

176 criminal conflict and civil regional counsel, and assistant
 177 criminal conflict and civil regional counsel are exempt from s.
 178 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

221 q. The home addresses, telephone numbers, dates of birth,
 222 and photographs of current or former emergency medical
 223 technicians or paramedics certified under chapter 401; the
 224 names, home addresses, telephone numbers, dates of birth, and
 225 places of employment of the spouses and children of such

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226 emergency medical technicians or paramedics; and the names and
227 locations of schools and day care facilities attended by the
228 children of such emergency medical technicians or paramedics are
229 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
230 Constitution.

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

243 s. The home addresses, telephone numbers, dates of birth,
244 and photographs of current or former directors, managers,
245 supervisors, nurses, and clinical employees of an addiction
246 treatment facility; the home addresses, telephone numbers,
247 photographs, dates of birth, and places of employment of the
248 spouses and children of such personnel; and the names and
249 locations of schools and day care facilities attended by the
250 children of such personnel are exempt from s. 119.07(1) and s.

251 24(a), Art. I of the State Constitution. For purposes of this
252 sub-subparagraph, the term "addiction treatment facility" means
253 a county government, or agency thereof, that is licensed
254 pursuant to s. 397.401 and provides substance abuse prevention,
255 intervention, or clinical treatment, including any licensed
256 service component described in s. 397.311(26).

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

272 u. The home addresses, telephone numbers, places of
273 employment, dates of birth, and photographs of current or former
274 staff and domestic violence advocates, as defined in s.
275 90.5036(1)(b), of domestic violence centers certified by the

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276 Department of Children and Families under chapter 39; the names,
277 home addresses, telephone numbers, places of employment, dates
278 of birth, and photographs of the spouses and children of such
279 personnel; and the names and locations of schools and day care
280 facilities attended by the children of such personnel are exempt
281 from s. 119.07(1) and s. 24(a), Art. I of the State
282 Constitution.

283 v. The home addresses, telephone numbers, dates of birth,
284 and photographs of current or former county attorneys, assistant
285 county attorneys, deputy county attorneys, city attorneys,
286 assistant city attorneys, and deputy city attorneys; the names,
287 home addresses, telephone numbers, photographs, dates of birth,
288 and places of employment of the spouses and children of current
289 or former county attorneys, assistant county attorneys, deputy
290 county attorneys, city attorneys, assistant city attorneys, and
291 deputy city attorneys; and the names and locations of schools
292 and day care facilities attended by the children of current or
293 former county attorneys, assistant county attorneys, deputy
294 county attorneys, city attorneys, assistant city attorneys, and
295 deputy city attorneys are exempt from s. 119.07(1) and s. 24(a),
296 Art. I of the State Constitution. This exemption does not apply
297 to a current or former county attorney, assistant county
298 attorney, deputy county attorney, city attorney, assistant city
299 attorney, or deputy city attorney who qualifies as a candidate
300 for election to public office.

301 3. An agency that is the custodian of the information
 302 specified in subparagraph 2. and that is not the employer of the
 303 officer, employee, justice, judge, or other person specified in
 304 subparagraph 2. must maintain the exempt status of that
 305 information only if the officer, employee, justice, judge, other
 306 person, or employing agency of the designated employee submits a
 307 written and notarized request for maintenance of the exemption
 308 to the custodial agency. The request must state under oath the
 309 statutory basis for the individual's exemption request and
 310 confirm the individual's status as a party eligible for exempt
 311 status.

312 4.a. A county property appraiser, as defined in s.
 313 192.001(3), or a county tax collector, as defined in s.
 314 192.001(4), who receives a written and notarized request for
 315 maintenance of the exemption pursuant to subparagraph 3. must
 316 comply by removing the name of the individual with exempt status
 317 and the instrument number or Official Records book and page
 318 number identifying the property with the exempt status from all
 319 publicly available records maintained by the property appraiser
 320 or tax collector. For written requests received on or before
 321 July 1, 2021, a county property appraiser or county tax
 322 collector must comply with this sub-subparagraph by October 1,
 323 2021. A county property appraiser or county tax collector may
 324 not remove the street address, legal description, or other
 325 information identifying real property within the agency's

326 records so long as a name or personal information otherwise
327 exempt from inspection and copying pursuant to this section are
328 not associated with the property or otherwise displayed in the
329 public records of the agency.

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

333 5. An officer, an employee, a justice, a judge, or other
334 person specified in subparagraph 2. may submit a written request
335 for the release of his or her exempt information to the
336 custodial agency. The written request must be notarized and must
337 specify the information to be released and the party authorized
338 to receive the information. Upon receipt of the written request,
339 the custodial agency must release the specified information to
340 the party authorized to receive such information.

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

344 7. Information made exempt under this paragraph may be
345 disclosed pursuant to s. 28.2221 to a title insurer authorized
346 pursuant to s. 624.401 and its affiliates as defined in s.
347 624.10; a title insurance agent or title insurance agency as
348 defined in s. 626.841(1) or (2), respectively; or an attorney
349 duly admitted to practice law in this state and in good standing
350 with The Florida Bar.

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

365 9. Upon the death of a protected party as verified by a
366 certified copy of a death certificate or court order, any party
367 can request the county recorder to release a protected
368 decedent's removed information unless there is a related request
369 on file with the county recorder for continued removal of the
370 decedent's information or unless such removal is otherwise
371 prohibited by statute or by court order. The written request to
372 release the removed information upon the death of a protected
373 party must attach the certified copy of a death certificate or
374 court order and must be notarized, must confirm the request for
375 release is due to the death of a protected party, and must

376 specify the Official Records book and page number, instrument
 377 number, or clerk's file number for each document containing the
 378 information to be released. A fee may not be charged for the
 379 release of any document pursuant to such request.

380 10. This paragraph is subject to the Open Government
 381 Sunset Review Act in accordance with s. 119.15 and shall stand
 382 repealed on October 2, 2024, unless reviewed and saved from
 383 repeal through reenactment by the Legislature.

384 Section 2. The Legislature finds that it is a public
 385 necessity that the home addresses, telephone numbers, dates of
 386 birth, and photographs of current or former county attorneys,
 387 assistant county attorneys, deputy county attorneys, city
 388 attorneys, assistant city attorneys, and deputy city attorneys
 389 be made exempt from s. 119.07(1), Florida Statutes, and s.
 390 24(a), Article I of the State Constitution. The Legislature
 391 further finds that it is a public necessity that the names, home
 392 addresses, telephone numbers, photographs, dates of birth, and
 393 places of employment of the spouses and children, and the names
 394 and locations of schools and day care facilities attended by
 395 such children, of current or former county attorneys, assistant
 396 county attorneys, deputy county attorneys, city attorneys,
 397 assistant city attorneys, and deputy city attorneys be made
 398 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
 399 Article I of the State Constitution. The responsibilities of
 400 county attorneys, assistant county attorneys, deputy county

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401 attorneys, city attorneys, assistant city attorneys, and deputy
402 city attorneys regularly involve legal enforcement proceedings
403 in areas of neglect and abuse related to violations of codes and
404 ordinances. Legal enforcement proceedings have led to
405 retribution and threats by defendants and other persons on
406 numerous occasions. Such attorneys have received death threats
407 and e-mails from disgruntled persons advocating the murder of
408 other attorneys. Other incidents have included the stalking of
409 such attorneys and their spouses and children. The Legislature
410 finds that the release of such personal identifying and location
411 information could place such attorneys and their spouses and
412 children in danger of being physically and emotionally harmed or
413 stalked by a defendant or other person. The Legislature finds
414 that the harm that may result from the release of such personal
415 identifying and location information outweighs any public
416 benefit that may be derived from the disclosure of the
417 information, except in the case of a current or former county
418 attorney, assistant county attorney, deputy county attorney,
419 city attorney, assistant city attorney, or deputy city attorney
420 who qualifies as a candidate for election to public office.

421 Section 3. This act shall take effect July 1, 2022.