



Oversight, Transparency & Administration Subcommittee

February 16, 2017
9:00 AM – 12:00 PM
Morris Hall

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Oversight, Transparency & Administration Subcommittee

Start Date and Time: Thursday, February 16, 2017 09:00 am
End Date and Time: Thursday, February 16, 2017 12:00 pm
Location: Morris Hall (17 HOB)
Duration: 3.00 hrs


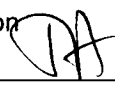
Consideration of the following bill(s):

HB 105 Vote-By-Mail Ballots by Cruz
HB 207 Agency Inspectors General by Plakon
HB 243 Pub. Rec./Nonsworn Investigative Personnel of OFR's Bureau of Financial Investigations by Raulerson

NOTICE FINALIZED on 02/09/2017 3:59PM by Larson.Lisa

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 105 Vote-By-Mail Ballots
SPONSOR(S): Cruz
TIED BILLS: **IDEN./SIM. BILLS:** SB 544

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee		Toliver 	Harrington 
2) Government Accountability Committee			

SUMMARY ANALYSIS

Florida law allows an elector to cast a ballot by mail, called a vote-by-mail ballot. Once the elector has completed his or her ballot, the elector must sign a voter's certificate on the back of the return envelope. The voter's certificate requires the elector to affirm that the elector is a qualified, registered voter of the county and that the elector has not and will not vote more than one ballot in the election. The Supervisor of Elections and the County Canvassing Board use this signature to confirm that the person voting is same elector in the registration records. If the elector omits his or her signature from the voter's certificate or the signature is determined to not match the registration records, the ballot is deemed illegal and will not be counted. However, if an elector omits his or her signature, he or she may, until 5 p.m. the day before the election, submit an affidavit to remedy the defective ballot and have it counted. There is no analogous process to cure a ballot when the signature does not match the signature on the registration records.

The bill provides a cure for an elector who submits a vote-by-mail ballot that is rejected because of a difference between the signature on the voter's certificate or ballot affidavit and the registration books or precinct register. The cure provision allows an elector to cure the defect by submitting an affidavit in the same way as is currently allowed for unsigned vote-by-mail ballots. As such, the bill provides the elector may, until 5:00 p.m. on the day before the election, complete an affidavit to cure the vote-by-mail ballot.

The bill may have an insignificant negative fiscal impact on state and local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida law allows an elector to cast his or her ballot by mail.¹ Those ballots, termed "vote-by-mail ballots," are subject to specific requirements and procedures set in statute.² In brief, an elector may request a vote-by-mail ballot from his or her Supervisor of Elections (Supervisor).³ Thereafter, the Supervisor mails the elector a letter containing a ballot, instructions for completing the ballot,⁴ and a secrecy envelope for returning the ballot.⁵ Once the elector has completed the ballot and placed it in the secrecy envelope, the elector must complete a voter's certificate affixed to the back of the envelope.⁶ The voter's certificate reads as follows:

VOTER'S CERTIFICATE

I, _____, do solemnly swear or affirm that I am a qualified and registered voter of _____ County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot.

(Date)

(Voter's Signature)⁷

Upon receipt of the vote-by-mail ballot, the Supervisor compares the signature on the voter's certificate to the signature of the elector in the registration books or the precinct register "to determine whether the elector is duly registered in the county."⁸ A vote-by-mail ballot is considered illegal if the voter's certificate does not include the signature of the elector, as shown by the registration records or the precinct register.⁹

An elector's vote-by-mail ballot may be invalidated based upon two deficiencies in signing the voter's certificate: signature omission and signature mismatch. If an elector's signature is omitted from the certificate,¹⁰ the elector may cure the illegal ballot.¹¹ If, by 5 p.m. on the day before the election, the elector completes a vote-by-mail affidavit¹² and provides identification¹³ to the Supervisor, the ballot will

¹ Section 101.62, F.S.

² See ss. 101.6105, 101.6106, 101.6107, 101.62, 101.64, 101.65, 101.655, 101.661, 101.662, 101.67, 101.68, 101.69, 101.6921, 101.6923, 101.6925, 101.694, 101.6951, 101.6952, 101.697, and 101.698, F.S.

³ Section 101.62, F.S.

⁴ Section 101.65, F.S.

⁵ Section 101.64(1), F.S.

⁶ *Id.*

⁷ The Supervisor must create the secrecy envelope so that the voter's signature portion of the certificate crosses the seal of the envelope. Section 101.64(2), F.S.

⁸ Section 101.68(1), F.S. If the Supervisor fails to compare the signatures, the County Canvassing Board will do so. Section 101.68(2)(c)1., F.S.

⁹ Section 101.68(2)(c)1., F.S.

¹⁰ The instructions accompanying the vote-by-mail ballot warn the elector that a signature is required for the ballot to be counted. "In order for your vote-by-mail ballot to be counted, you must sign your name on the line above (Voter's Signature)." Section 101.65, F.S.

¹¹ Section 101.68(4), F.S.

¹² The form of the affidavit is prescribed by statute, s. 101.68(4)(c), F.S., and the Department of State, Division of Elections, has created a standardized form for the affidavit, DS-DE-139. The Department of State and each Supervisor is required to post the affidavit online and accept the elector's affidavit and identification by mail, fax, or email. Section 101.68(4)(d), F.S.

be legitimized and counted.¹⁴ However, no analogous cure process exists when the Supervisor or the County Canvassing Board determines that the signature on the voter's certificate does not match the signature on record for that elector. In that circumstance, the ballot is deemed illegal.¹⁵

Recent Litigation

The U.S. District Court for the Northern District of Florida declared "Florida's statutory scheme as it relates to mismatched-signature [vote-by-mail] ballots" unconstitutional.¹⁶ The plaintiffs in the case, the Florida Democratic Party, sought an injunction enjoining the state "and anyone under their supervision from rejecting mismatch-signature ballots without first affording those voters an opportunity to cure in the same election cycle."¹⁷ The court granted the injunction noting that Florida's statutory scheme threatens the constitutional right of each voter to cast his or her vote and have it counted "by subjecting vote-by-mail voters to an unreasonable risk that their ballot will be tossed without any opportunity to cure, let alone any form of notice."¹⁸ The court therefore ordered "mismatched-signature ballots to be cured in precisely the same fashion as currently provided for non-signature ballots."¹⁹ To that end, the court ordered the Secretary of State to give each Supervisor an altered affidavit that includes references to vote-by-mail voters whose ballots have been invalidated because of a signature mismatch. On December 12, 2016, the court issued an order staying the case until May 5, 2017.

Effect of the Bill

The bill provides a cure for an elector who submits a vote-by-mail ballot that is rejected because of a difference between the signature on the voter's certificate or ballot affidavit and the registration books or precinct register. The cure provision allows an elector to cure the defect by submitting an affidavit in the same way as is currently allowed for unsigned vote-by-mail ballots. As such, the elector may, until 5:00 p.m. on the day before the election, complete an affidavit to cure the vote-by-mail ballot.

B. SECTION DIRECTORY:

Section 1 amends s. 101.68, F.S., relating to vote-by-mail ballots.

Section 2 provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

¹³ Section 101.68(4)(c), F.S.

¹⁴ Section 101.68(4)(b), F.S.

¹⁵ Section 101.68(2)(c)1., F.S.

¹⁶ *Fla. Democratic Party v. Detzner*, 4:16cv607-MW/CAS (N.D. Fla. 2016).

¹⁷ *Id.* at 9.

¹⁸ *Id.*

¹⁹ *Id.* at 29.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill may cause a minimal fiscal impact to the Department of State, Division of Elections, because the division may need to alter form DS-DE-139, the Omitted Signature Affidavit for Vote-By-Mail Ballots, or the division may need to create a second affidavit. In addition, each Supervisor and the Division of Elections is required to place the affidavit online; as such, there might be a minimal fiscal impact associated with replacing the current affidavit with the updated affidavit.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill appears to be exempt from the requirements of Art. VII, s. 18 of the State Constitution because it is an election law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to vote-by-mail ballots; amending s.
 3 101.68, F.S.; requiring a supervisor to allow
 4 submission of an affidavit to cure signature
 5 discrepancies on a vote-by-mail ballot; providing an
 6 effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraph (b) of subsection (4) of section
 11 101.68, Florida Statutes, is amended to read:

12 101.68 Canvassing of vote-by-mail ballot.--

13 (4)

14 (b) Until 5 p.m. on the day before an election, the
 15 supervisor shall allow an elector who has returned a vote-by-
 16 mail ballot that does not include the elector's signature, or
 17 that was rejected due to a difference between the elector's
 18 signature on the voter's certificate or vote-by-mail ballot
 19 affidavit and the elector's signature in the registration books
 20 or precinct register, to complete and submit an affidavit in
 21 order to cure the ~~unsigned~~ vote-by-mail ballot.

22 Section 2. This act shall take effect July 1, 2017.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Oversight, Transparency &
 2 Administration Subcommittee
 3 Representative Ingoglia offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (a), (b), and (d) of subsection (4) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of vote-by-mail ballot.-

(4)(a) The supervisor of elections shall, on behalf of the county canvassing board, notify each elector whose ballot was rejected as illegal, ~~and~~ provide the specific reason the ballot was rejected, and if the ballot can be cured pursuant to this subsection, notify each elector of that process. The supervisor shall make a good faith effort to notify the elector before the deadline in paragraph (b). The supervisor shall mail a voter



Amendment No. 1

17 registration application to the elector to be completed
18 indicating the elector's current signature if the elector's
19 ballot was rejected due to a difference between the elector's
20 signature on the voter's certificate or vote-by-mail ballot
21 affidavit and the elector's signature in the registration books
22 or precinct register. This section does not prohibit the
23 supervisor from providing additional methods for updating an
24 elector's signature.

25 (b) Until 5 p.m. on the day before an election, the
26 supervisor shall allow an elector who has returned a vote-by-
27 mail ballot that does not include the elector's signature, or
28 that was rejected due to a difference between the elector's
29 signature on the voter's certificate or vote-by-mail ballot
30 affidavit and the elector's signature in the registration books
31 or precinct register, to complete and submit an affidavit in
32 order to cure the ~~unsigned~~ vote-by-mail ballot. A vote-by-mail
33 ballot may only be counted if:

34 1. The signature on the voter's certificate or the
35 affidavit matches the elector's signature in the registration
36 books or precinct register; however, in the case of an
37 affidavit, the supporting identification listed in paragraph
38 (d)3. of this subsection must also confirm the identity of the
39 elector; or

40 2. The affidavit contains a signature that does not match
41 the elector's signature in the registration books or precinct



Amendment No. 1

42 register, but the elector has submitted current and valid
43 identification pursuant to paragraph (d)3.a. which confirms the
44 identity of the elector.

45 (d) Instructions must accompany the vote-by-mail ballot
46 affidavit in substantially the following form:

47 READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
48 AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
49 BALLOT NOT TO COUNT.

50 1. In order to ensure that your vote-by-mail ballot will
51 be counted, your affidavit should be completed and returned as
52 soon as possible so that it can reach the supervisor of
53 elections of the county in which your precinct is located no
54 later than 5 p.m. on the 2nd day before the election.

55 2. You must sign your name on the line above (Voter's
56 Signature).

57 3. You must make a copy of one of the following forms of
58 identification:

59 a. Current and valid identification that includes your
60 name and photograph: Florida driver license; Florida
61 identification card issued by the Department of Highway Safety
62 and Motor Vehicles; United States passport; debit or credit
63 card; military identification; student identification;
64 retirement center identification; neighborhood association
65 identification; public assistance identification; veteran health
66 identification card issued by the United States Department of



Amendment No. 1

67 Veterans Affairs; a Florida license to carry a concealed weapon
68 or firearm; or an employee identification card issued by any
69 branch, department, agency, or entity of the Federal Government,
70 the state, a county, or a municipality; or

71 b. Identification that shows your name and current
72 residence address: current utility bill, bank statement,
73 government check, paycheck, or government document (excluding
74 voter identification card).

75 4. Place the envelope bearing the affidavit into a mailing
76 envelope addressed to the supervisor. Insert a copy of your
77 identification in the mailing envelope. Mail, deliver, or have
78 delivered the completed affidavit along with the copy of your
79 identification to your county supervisor of elections. Be sure
80 there is sufficient postage if mailed and that the supervisor's
81 address is correct.

82 5. Alternatively, you may fax or e-mail your completed
83 affidavit and a copy of your identification to the supervisor of
84 elections. If e-mailing, please provide these documents as
85 attachments.

86 Section 2. This act shall take effect July 1, 2017.

87

88

89

90

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:



Amendment No. 1

91 An act relating to vote-by-mail ballots; amending s. 101.68,
92 F.S.; requiring the supervisor of elections to notify each
93 elector whose vote-by-mail ballot has been rejected as illegal
94 of the existence of a cure process; requiring the supervisor of
95 elections to make a good faith effort to notify the elector by 5
96 p.m. the day before the election; requiring the supervisor to
97 allow submission of an affidavit to cure signature discrepancies
98 on a vote-by-mail ballot; clarifying procedures to be used by
99 the supervisor of elections in verifying an elector's signature;
100 specifying that a Florida driver license or Florida
101 identification card are acceptable forms of identification for
102 purposes of curing a vote-by-mail ballot; providing an effective
103 date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 207 Agency Inspectors General
SPONSOR(S): Plakon
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee		Moore <i>AM</i>	Harrington <i>JH</i>
2) Public Integrity & Ethics Committee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

Current law establishes an Office of Inspector General in each state agency to provide a central point for the coordination and responsibility for activities that promote accountability, integrity, and efficiency in government. For state agencies under the jurisdiction of the Cabinet or the Governor and Cabinet, the inspector general is appointed by the agency head. For state agencies under the jurisdiction of the Governor, the inspector general is appointed by the Chief Inspector General (CIG). The agency head or CIG is authorized to set the salary of the inspector general.

The Florida Housing Finance Corporation (corporation) is the state's affordable housing finance agency. The corporation is authorized to employ an inspector general, who is appointed by the corporation's executive director, with the advice and consent of the corporation's nine-member board of directors.

Effective July 1, 2017, the bill prohibits an agency that enters into an employment agreement, or renewal or renegotiation of an existing contract or employment agreement, with an inspector general or deputy inspector general, from offering a bonus on work performance in the contract or agreement. The awarding of such a bonus is also prohibited.

The bill also specifically applies these prohibitions to the corporation.

The bill may have a positive fiscal impact on agency expenditures because agencies are no longer permitted to provide bonuses to inspectors general or deputy inspectors general. The bill does not appear to have a fiscal impact on local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Inspectors General

Authorized under s. 20.055, F.S., an Office of Inspector General is established in each state agency¹ to provide a central point for the coordination and responsibility for activities that promote accountability, integrity, and efficiency in government. For state agencies under the jurisdiction of the Cabinet or the Governor and Cabinet, the inspector general is appointed by the agency head.² For state agencies under the jurisdiction of the Governor, the inspector general is appointed by the Chief Inspector General (CIG).³ The agency head or CIG is authorized to set the salary of the inspector general.⁴

Each agency inspector general is responsible for the following:

- Advising in the development of performance measures, standards, and procedures for the evaluation of state agency programs;
- Assessing the reliability and validity of information provided by the agency on performance measures and standards;
- Reviewing the actions taken by the agency to improve agency performance, and making recommendations, if necessary;
- Supervising and coordinating audits, investigations, and reviews relating to the programs and operations of the agency;
- Conducting, supervising, or coordinating other activities carried out or financed by the agency for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;
- Providing central coordination of efforts to identify and remedy waste, abuse, and deficiencies to the agency head or the CIG; recommending corrective action concerning fraud, abuses, and deficiencies; and reporting on the progress made in implementing corrective action;
- Coordinating agency-specific audit activities between the Auditor General, federal auditors, and other governmental bodies to avoid duplication;
- Reviewing rules relating to the programs and operations of the agency and making recommendations concerning their impact;
- Ensuring that an appropriate balance is maintained between audit, investigative, and other accountability activities; and
- Complying with the General Principles and Standards for Offices of Inspector General as published and revised by the Association of Inspectors General.⁵

¹ Section 20.055(1)(d), F.S., defines the term “state agency” as each department created pursuant to chapter 20, F.S., and also includes the Executive Office of the Governor, the Department of Military Affairs, the Fish and Wildlife Conservation Commission, the Office of Insurance Regulation of the Financial Services Commission, the Office of Financial Regulation of the Financial Services Commission, the Public Service Commission, the Board of Governors of the State University System, the Florida Housing Finance Corporation, the Agency for State Technology, the Office of Early Learning, and the state courts system.

² Section 20.055(1)(a), F.S., defines the term “agency head” as the Governor, a Cabinet officer, a secretary as defined in s. 20.03(5), F.S., or an executive director as defined in s. 20.03(6), F.S. It also includes the chair of the Public Service Commission, the Director of the Office of Insurance Regulation of the Financial Services Commission, the Director of the Office of Financial Regulation of the Financial Services Commission, the board of directors of the Florida Housing Finance Corporation, the executive director of the Office of Early Learning, and the Chief Justice of the State Supreme Court.

³ Section 20.055(3)(a)1., F.S.

⁴ Section 20.055(3)(a)2., F.S.

⁵ Section 20.055(2), F.S.

Florida Housing Finance Corporation

The Florida Housing Finance Corporation (corporation), a public corporation administratively housed within the Department of Economic Opportunity,⁶ is the state's affordable housing finance agency. As such, the corporation is responsible for increasing the amount of affordable housing available to individuals and families by stimulating investment of private capital and encouraging public and private sector housing partnerships. To accomplish this, the corporation uses federal and state resources to finance the development of safe, affordable homes and rental housing and to assist first-time homebuyers.⁷

The corporation is authorized to employ an inspector general, who is appointed by the corporation's executive director, with the advice and consent of the corporation's nine-member board of directors.⁸ The inspector general is charged with performing the same duties outlined above for inspectors general of other state agencies.⁹

Effect of the Bill

The bill prohibits an agency that enters into an employment agreement, or renewal or renegotiation of an existing contract or employment agreement, with an inspector general or deputy inspector general from offering a bonus on work performance in the contract or agreement. The awarding of such a bonus is also prohibited.

The bill also specifically applies these prohibitions to the corporation.

These prohibitions become effective July 1, 2017.

B. SECTION DIRECTORY:

Section 1 amends s. 20.055, F.S., prohibiting an agency from offering a bonus on work performance in an inspector general contract or agreement.

Section 2 amends s. 420.506, F.S., prohibiting the corporation from offering a bonus on work performance in an inspector general contract or agreement.

Section 3 provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have an impact on state government revenues.

2. Expenditures:

The bill may have a positive fiscal impact on agency expenditures because agencies are no longer permitted to provide bonuses to inspectors general or deputy inspectors general.

⁶ Section 420.504(1), F.S.

⁷ See ss. 420.502 and 420.507, F.S.

⁸ Section 420.506(2), F.S.

⁹ *Id.*

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have an impact on local government revenues.

2. Expenditures:

The bill does not appear to have an impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
2 An act relating to agency inspectors general; amending
3 s. 20.055, F.S.; prohibiting an agency from offering a
4 bonus on work performance in an inspector general
5 contract or agreement; amending s. 420.506, F.S.;
6 prohibiting the Florida Housing Finance Corporation
7 from offering a bonus on work performance in an
8 inspector general contract or agreement; providing an
9 effective date.

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

12
13 Section 1. Paragraph (a) of subsection (3) of section
14 20.055, Florida Statutes, is amended to read:

15 20.055 Agency inspectors general.—

16 (3)(a)1. For state agencies under the jurisdiction of the
17 Cabinet or the Governor and Cabinet, the inspector general shall
18 be appointed by the agency head. For state agencies under the
19 jurisdiction of the Governor, the inspector general shall be
20 appointed by the Chief Inspector General. The agency head or
21 Chief Inspector General shall notify the Governor in writing of
22 his or her intention to hire the inspector general at least 7
23 days before an offer of employment. The inspector general shall
24 be appointed without regard to political affiliation.

25 2. Within 60 days after a vacancy or anticipated vacancy

26 in the position of inspector general, the agency head or, for
 27 agencies under the jurisdiction of the Governor, the Chief
 28 Inspector General, shall initiate a national search for an
 29 inspector general and shall set the salary of the inspector
 30 general. Effective July 1, 2017, an agency that enters into an
 31 employment agreement, or renewal or renegotiation of an existing
 32 contract or employment agreement with an inspector general or
 33 deputy inspector, may not offer a bonus on work performance in
 34 the contract or agreement and the awarding of such bonuses is
 35 prohibited. In the event of a vacancy in the position of
 36 inspector general, the agency head or, for agencies under the
 37 jurisdiction of the Governor, the Chief Inspector General, may
 38 appoint other office of inspector general management personnel
 39 as interim inspector general until such time as a successor
 40 inspector general is appointed.

41 3. A former or current elected official may not be
 42 appointed inspector general within 5 years after the end of such
 43 individual's period of service. This restriction does not
 44 prohibit the reappointment of a current inspector general.

45 Section 2. Subsection (2) of section 420.506, Florida
 46 Statutes, is amended to read:

47 420.506 Executive director; agents and employees;
 48 inspector general.—

49 (2) (a) The appointment and removal of an inspector general
 50 shall be by the executive director, with the advice and consent

51 of the corporation's board of directors. The corporation's
52 inspector general shall perform for the corporation the
53 functions set forth in s. 20.055. The inspector general shall
54 administratively report to the executive director. The inspector
55 general shall meet the minimum qualifications as set forth in s.
56 20.055(4). The corporation may establish additional
57 qualifications deemed necessary by the board of directors to
58 meet the unique needs of the corporation. The inspector general
59 shall be responsible for coordinating the responsibilities set
60 forth in s. 420.0006.

61 (b) Effective July 1, 2017, if the corporation enters into
62 an employment agreement, or renewal or renegotiation of an
63 existing contract or employment agreement with an inspector
64 general or deputy inspector, the corporation may not offer a
65 bonus on work performance in the contract or agreement and the
66 awarding of such bonuses is prohibited.



67 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 243 Pub. Rec./Nonsworn Investigative Personnel of OFR's Bureau of Financial Investigations

SPONSOR(S): Raulerson and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 248

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee		Moore 	Harrington 
2) Government Accountability Committee			

SUMMARY ANALYSIS

The Bureau of Financial Investigations (bureau) within the Office of Financial Regulation is authorized to conduct investigations within or outside the state as it deems necessary to aid in the enforcement of laws related to the regulation of Florida's financial services industry. The bureau maintains investigators throughout the state and participates in joint investigations with local, state, and federal law enforcement agencies.

The bill creates a public record exemption for the home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative employees of the bureau whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory violations. The bill also exempts from public record requirements the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such employees. In addition, the names and locations of schools and day care facilities attended by the children of such employees are exempt.

The bill provides for repeal of the exemption on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature. The bill provides a public necessity statement as required by the State Constitution.

The bill may have a minimal fiscal impact on the state and local governments. See Fiscal Comments section.

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Public Records

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Art. I, s. 24(a). The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act² provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.³

The Open Government Sunset Review Act requires the automatic repeal of a newly created exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.⁴

Exemptions for Agency Personnel Identification and Location Information

Current law provides public record exemptions for personal identification and location information of certain current or former agency personnel and their spouses and children.⁵ Categories of personnel covered by these exemptions include, but are not limited to, law enforcement officers, justices and judges, code enforcement officers, investigators or inspectors of the Department of Business and Professional Regulation, and county tax collectors.

Although the types of exempt information vary, the following information is exempt⁶ from public record requirements for all personnel listed above:

- Home addresses and telephone numbers⁷ of the named personnel;

¹ Section 24(c), Art. I of the State Constitution.

² See s. 119.15, F.S.

³ Section 119.15(6)(b), F.S.

⁴ Section 119.15(3), F.S.

⁵ See s. 119.071(4)(d), F.S.

⁶ There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature designates as *confidential* and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. See *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, the record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See 85-62 Fla. Op. Att'y Gen. (1985).

- Home addresses, telephone numbers, and places of employment of the spouses and their children; and
- Names and locations of schools and day care facilities attended by their children.

If exempt information is held by an agency that is not the employer of the protected personnel, he or she must submit a written request to the non-employing agency to maintain the public record exemption.⁸

Office of Financial Regulation: Bureau of Financial Investigations

The Office of Financial Regulation (OFR) has regulatory oversight of state-chartered financial institutions, securities brokers, investment advisers, mortgage loan originators, money services businesses, consumer finance companies, debt collectors, and other financial service entities. Through its Bureau of Financial Investigations (bureau), OFR has the authority to conduct investigations within or outside the state as it deems necessary to aid in the enforcement of laws related to the regulation of these entities.⁹ The bureau maintains investigators throughout the state and participates in joint investigations with local, state, and federal law enforcement agencies.

Effect of the Bill

The bill amends s. 119.071, F.S., to exempt from public record requirements the home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative employees of the bureau whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory violations. The bill also exempts from public record requirements the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such employees. In addition, the names and locations of schools and day care facilities attended by the children of such employees are exempt.

The bill provides a public necessity statement as required by the State Constitution, specifying that it is a public necessity to protect the identifying and location information for these employees and their families because they may become targets for revenge perpetrated by people who have been investigated.

The bill provides for repeal of the exemption on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

B. SECTION DIRECTORY:

Section 1 amends s. 119.071, F.S., relating to general exemptions from inspection or copying of public records.

Section 2 provides a public necessity statement.

Section 3 provides an effective date of upon becoming a law.

⁷ The term “telephone numbers” includes home, personal cellular, and personal pager telephone numbers, and telephone numbers associated with personal communications devices. *See* s. 119.071(4)(d)1., F.S.

⁸ Section 119.071(4)(d)3., F.S.

⁹ *Id.*

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have an impact on state government revenues.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have an impact on local government revenues.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill could have a minimal fiscal impact on agencies because agency staff responsible for complying with public record requests may require training related to the creation of the public record exemption. In addition, agencies could incur costs associated with redacting the exempt information prior to releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of agencies.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meeting exemption. The bill creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption for the identification and location information of current or former nonsworn investigative employees of the bureau whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory violations. The identification and location information of such employees' spouses and children is also exempt. The public record exemption protects the information to prevent such employees and their families from becoming targets for revenge perpetrated by people who have been investigated. As such, the exemption does not appear to be in conflict with the constitutional requirement that it be no broader than necessary to accomplish its purpose.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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 certain nonsworn investigative
 6 personnel of the Office of Financial Regulation and
 7 the names and personal identifying and location
 8 information of the spouses and children of such
 9 personnel; providing for future review and repeal of
 10 the exemption; providing a statement of public
 11 necessity; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Paragraph (d) of subsection (4) of section
 16 119.071, Florida Statutes, is amended to read:

17 119.071 General exemptions from inspection or copying of
 18 public records.—

19 (4) AGENCY PERSONNEL INFORMATION.—

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

25 2.a.(I) The home addresses, telephone numbers, social

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

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

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

50 (IV) The home addresses, telephone numbers, dates of

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

65 | (V) The home addresses, telephone numbers, dates of birth,
 66 | and photographs of current or former nonsworn investigative
 67 | personnel of the Office of Financial Regulation's Bureau of
 68 | Financial Investigations whose duties include the investigation
 69 | of fraud, theft, other related criminal activities, or state
 70 | regulatory requirement violations; the names, home addresses,
 71 | telephone numbers, dates of birth, and places of employment of
 72 | the spouses and children of such personnel; and the names and
 73 | locations of schools and day care facilities attended by the
 74 | children of such personnel are exempt from s. 119.07(1) and s.
 75 | 24(a), Art. I of the State Constitution. This sub-sub-

76 subparagraph is subject to the Open Government Sunset Review Act
 77 in accordance with s. 119.15 and shall stand repealed on October
 78 2, 2022, unless reviewed and saved from repeal through
 79 reenactment by the Legislature.

80 b. The home addresses, telephone numbers, dates of birth,
 81 and photographs of firefighters certified in compliance with s.
 82 633.408; the home addresses, telephone numbers, photographs,
 83 dates of birth, and places of employment of the spouses and
 84 children of such firefighters; and the names and locations of
 85 schools and day care facilities attended by the children of such
 86 firefighters are exempt from s. 119.07(1).

87 c. The home addresses, dates of birth, and telephone
 88 numbers of current or former justices of the Supreme Court,
 89 district court of appeal judges, circuit court judges, and
 90 county court judges; the home addresses, telephone numbers,
 91 dates of birth, and places of employment of the spouses and
 92 children of current or former justices and judges; and the names
 93 and locations of schools and day care facilities attended by the
 94 children of current or former justices and judges are exempt
 95 from s. 119.07(1).

96 d.(I) The home addresses, telephone numbers, social
 97 security numbers, dates of birth, and photographs of current or
 98 former state attorneys, assistant state attorneys, statewide
 99 prosecutors, or assistant statewide prosecutors; the home
 100 addresses, telephone numbers, social security numbers,

101 | photographs, dates of birth, and places of employment of the
 102 | spouses and children of current or former state attorneys,
 103 | assistant state attorneys, statewide prosecutors, or assistant
 104 | statewide prosecutors; and the names and locations of schools
 105 | and day care facilities attended by the children of current or
 106 | former state attorneys, assistant state attorneys, statewide
 107 | prosecutors, or assistant statewide prosecutors are exempt from
 108 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

109 | (II) The names of the spouses and children of current or
 110 | former state attorneys, assistant state attorneys, statewide
 111 | prosecutors, or assistant statewide prosecutors are exempt from
 112 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

117 | e. The home addresses, dates of birth, and telephone
 118 | numbers of general magistrates, special magistrates, judges of
 119 | compensation claims, administrative law judges of the Division
 120 | of Administrative Hearings, and child support enforcement
 121 | hearing officers; the home addresses, telephone numbers, dates
 122 | of birth, and places of employment of the spouses and children
 123 | of general magistrates, special magistrates, judges of
 124 | compensation claims, administrative law judges of the Division
 125 | of Administrative Hearings, and child support enforcement

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

141 f. The home addresses, telephone numbers, dates of birth,
 142 and photographs of current or former human resource, labor
 143 relations, or employee relations directors, assistant directors,
 144 managers, or assistant managers of any local government agency
 145 or water management district whose duties include hiring and
 146 firing employees, labor contract negotiation, administration, or
 147 other personnel-related duties; the names, home addresses,
 148 telephone numbers, dates of birth, and places of employment of
 149 the spouses and children of such personnel; and the names and
 150 locations of schools and day care facilities attended by the

151 children of such personnel are exempt from s. 119.07(1) and s.
 152 24(a), Art. I of the State Constitution.

153 g. The home addresses, telephone numbers, dates of birth,
 154 and photographs of current or former code enforcement officers;
 155 the names, home addresses, telephone numbers, dates of birth,
 156 and places of employment of the spouses and children of such
 157 personnel; and the names and locations of schools and day care
 158 facilities attended by the children of such personnel are exempt
 159 from s. 119.07(1) and s. 24(a), Art. I of the State
 160 Constitution.

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

172 i. The home addresses, telephone numbers, dates of birth,
 173 and photographs of current or former juvenile probation
 174 officers, juvenile probation supervisors, detention
 175 superintendents, assistant detention superintendents, juvenile

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

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

199 (II) The names of the spouses and children of the
 200 specified agency personnel identified in sub-sub-subparagraph

201 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
 202 State Constitution. This sub-sub-subparagraph is subject to the
 203 Open Government Sunset Review Act in accordance with s. 119.15
 204 and shall stand repealed on October 2, 2019, unless reviewed and
 205 saved from repeal through reenactment by the Legislature.

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

221 l. The home addresses and telephone numbers of county tax
 222 collectors; the names, home addresses, telephone numbers, and
 223 places of employment of the spouses and children of such tax
 224 collectors; and the names and locations of schools and day care
 225 facilities attended by the children of such tax collectors are

226 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 227 Constitution if the county tax collector has made reasonable
 228 efforts to protect such information from being accessible
 229 through other means available to the public. This sub-
 230 subparagraph is subject to the Open Government Sunset Review Act
 231 in accordance with s. 119.15 and shall stand repealed on October
 232 2, 2017, unless reviewed and saved from repeal through
 233 reenactment by the Legislature.

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

251 | 2, 2019, unless reviewed and saved from repeal through
 252 | reenactment by the Legislature.

253 | n. The home addresses, telephone numbers, dates of birth,
 254 | and photographs of current or former impaired practitioner
 255 | consultants who are retained by an agency or current or former
 256 | employees of an impaired practitioner consultant whose duties
 257 | result in a determination of a person's skill and safety to
 258 | practice a licensed profession; the names, home addresses,
 259 | telephone numbers, dates of birth, and places of employment of
 260 | the spouses and children of such consultants or their employees;
 261 | and the names and locations of schools and day care facilities
 262 | attended by the children of such consultants or employees are
 263 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 264 | Constitution if a consultant or employee has made reasonable
 265 | efforts to protect such information from being accessible
 266 | through other means available to the public. This sub-
 267 | subparagraph is subject to the Open Government Sunset Review Act
 268 | in accordance with s. 119.15 and shall stand repealed on October
 269 | 2, 2020, unless reviewed and saved from repeal through
 270 | reenactment by the Legislature.

271 | o. The home addresses, telephone numbers, dates of birth,
 272 | and photographs of current or former emergency medical
 273 | technicians or paramedics certified under chapter 401; the
 274 | names, home addresses, telephone numbers, dates of birth, and
 275 | places of employment of the spouses and children of such

276 emergency medical technicians or paramedics; and the names and
 277 locations of schools and day care facilities attended by the
 278 children of such emergency medical technicians or paramedics are
 279 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 280 Constitution if the emergency medical technicians or paramedics
 281 have made reasonable efforts to protect such information from
 282 being accessible through other means available to the public.
 283 This sub-subparagraph is subject to the Open Government Sunset
 284 Review Act in accordance with s. 119.15 and shall stand repealed
 285 on October 2, 2021, unless reviewed and saved from repeal
 286 through reenactment by the Legislature.

287 p. The home addresses, telephone numbers, dates of birth,
 288 and photographs of current or former personnel employed in an
 289 agency's office of inspector general or internal audit
 290 department whose duties include auditing or investigating waste,
 291 fraud, abuse, theft, exploitation, or other activities that
 292 could lead to criminal prosecution or administrative discipline;
 293 the names, home addresses, telephone numbers, dates of birth,
 294 and places of employment of spouses and children of such
 295 personnel; and the names and locations of schools and day care
 296 facilities attended by the children of such personnel are exempt
 297 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
 298 if the personnel have made reasonable efforts to protect such
 299 information from being accessible through other means available
 300 to the public. This sub-subparagraph is subject to the Open

301 Government Sunset Review Act in accordance with s. 119.15 and
 302 shall stand repealed on October 2, 2021, unless reviewed and
 303 saved from repeal through reenactment by the Legislature.

304 3. An agency that is the custodian of the information
 305 specified in subparagraph 2. and that is not the employer of the
 306 officer, employee, justice, judge, or other person specified in
 307 subparagraph 2. shall maintain the exempt status of that
 308 information only if the officer, employee, justice, judge, other
 309 person, or employing agency of the designated employee submits a
 310 written request for maintenance of the exemption to the
 311 custodial agency.

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

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

320 Section 2. The Legislature finds that it is a public
 321 necessity to exempt from public records requirements the home
 322 addresses, telephone numbers, dates of birth, and photographs of
 323 current or former nonsworn investigative personnel of the Office
 324 of Financial Regulation's Bureau of Financial Investigations
 325 whose duties include the investigation of fraud, theft, other

326 related criminal activities, or state regulatory requirement
327 violations; the names, home addresses, telephone numbers, dates
328 of birth, and places of employment of the spouses and children
329 of such personnel; and the names and locations of schools and
330 day care facilities attended by the children of such personnel.
331 The efforts of such personnel can lead to arrests and
332 prosecutions for crimes up to and including first degree felony
333 violations and can also result in the loss of commerce and
334 property, the assessment of monetary fines, or the suspension or
335 loss of professional licenses. The office has documented
336 multiple compelling instances of such personnel being threatened
337 and fearing repercussions as a result of carrying out their
338 duties. These threats have included weapons being brandished,
339 verbal threats made to harm them or their family members,
340 harassment, and intimidation. The Legislature finds that the
341 release of such personal identifying and location information
342 might place these nonsworn investigative personnel of the office
343 and their family members in danger of physical and emotional
344 harm from disgruntled individuals who have contentious reactions
345 to actions taken by such personnel, or whose business or
346 professional practices have come under the scrutiny of such
347 personnel. The Legislature further finds that the harm that may
348 result from the release of such personal identifying and
349 location information outweighs any public benefit that may be
350 derived from the disclosure of the information.

351 Section 3. This act shall take effect upon becoming a law.