

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; creating an exemption from public
 4 records requirements for the names of the spouses and
 5 children of active or former sworn or civilian law
 6 enforcement personnel, including children and spouses
 7 of correctional and correctional probation officers,
 8 personnel of the Department of Children and Families
 9 whose duties include the investigation of abuse,
 10 neglect, exploitation, fraud, theft, or other criminal
 11 activities, personnel of the Department of Health
 12 whose duties are to support the investigation of child
 13 abuse or neglect, and personnel of the Department of
 14 Revenue or local governments whose responsibilities
 15 include revenue collection and enforcement or child
 16 support enforcement; providing for future review and
 17 repeal of the exemption under the Open Government
 18 Sunset Review Act; providing a statement of public
 19 necessity; providing an effective date.

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 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Paragraph (d) of subsection (4) of section
 24 119.071, Florida Statutes, is amended to read:

25 119.071 General exemptions from inspection or copying of
 26 public records.—

27 (4) AGENCY PERSONNEL INFORMATION.—

28 (d)1. For purposes of this paragraph, the term "telephone

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

33 | 2.a.(I) The home addresses, telephone numbers, social
 34 | security numbers, dates of birth, and photographs of active or
 35 | former sworn or civilian law enforcement personnel, including
 36 | correctional and correctional probation officers, personnel of
 37 | the Department of Children and Families ~~Family Services~~ whose
 38 | duties include the investigation of abuse, neglect,
 39 | exploitation, fraud, theft, or other criminal activities,
 40 | personnel of the Department of Health whose duties are to
 41 | 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 home addresses,
 45 | telephone numbers, social security numbers, photographs, dates
 46 | of birth, and places of employment of the spouses and children
 47 | of such personnel; and the names and locations of schools and
 48 | day care facilities attended by the children of such personnel
 49 | are exempt from s. 119.07(1).

50 | (II) The names of the spouses and children of active or
 51 | former sworn or civilian law enforcement personnel and the other
 52 | specified agency personnel identified in sub-sub-subparagraph
 53 | a.(I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
 54 | State Constitution.

55 | (III) Sub-sub-subparagraph a.(II) is subject to the Open
 56 | Government Sunset Review Act in accordance with s. 119.15, and

57 | shall stand repealed on October 2, 2018, unless reviewed and
 58 | saved from repeal through reenactment by the Legislature.

59 | b. The home addresses, telephone numbers, dates of birth,
 60 | and photographs of firefighters certified in compliance with s.
 61 | 633.35; the home addresses, telephone numbers, photographs,
 62 | dates of birth, and places of employment of the spouses and
 63 | children of such firefighters; and the names and locations of
 64 | schools and day care facilities attended by the children of such
 65 | firefighters are exempt from s. 119.07(1).

66 | c. The home addresses, dates of birth, and telephone
 67 | numbers of current or former justices of the Supreme Court,
 68 | district court of appeal judges, circuit court judges, and
 69 | county court judges; the home addresses, telephone numbers,
 70 | dates of birth, and places of employment of the spouses and
 71 | children of current or former justices and judges; and the names
 72 | and locations of schools and day care facilities attended by the
 73 | children of current or former justices and judges are exempt
 74 | from s. 119.07(1).

75 | d. The home addresses, telephone numbers, social security
 76 | numbers, dates of birth, and photographs of current or former
 77 | state attorneys, assistant state attorneys, statewide
 78 | prosecutors, or assistant statewide prosecutors; the home
 79 | addresses, telephone numbers, social security numbers,
 80 | photographs, dates of birth, and places of employment of the
 81 | spouses and children of current or former state attorneys,
 82 | assistant state attorneys, statewide prosecutors, or assistant
 83 | statewide prosecutors; and the names and locations of schools
 84 | and day care facilities attended by the children of current or

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

88 e. The home addresses, dates of birth, and telephone
89 numbers of general magistrates, special magistrates, judges of
90 compensation claims, administrative law judges of the Division
91 of Administrative Hearings, and child support enforcement
92 hearing officers; the home addresses, telephone numbers, dates
93 of birth, and places of employment of the spouses and children
94 of general magistrates, special magistrates, judges of
95 compensation claims, administrative law judges of the Division
96 of Administrative Hearings, and child support enforcement
97 hearing officers; and the names and locations of schools and day
98 care facilities attended by the children of general magistrates,
99 special magistrates, judges of compensation claims,
100 administrative law judges of the Division of Administrative
101 Hearings, and child support enforcement hearing officers are
102 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
103 Constitution if the general magistrate, special magistrate,
104 judge of compensation claims, administrative law judge of the
105 Division of Administrative Hearings, or child support hearing
106 officer provides a written statement that the general
107 magistrate, special magistrate, judge of compensation claims,
108 administrative law judge of the Division of Administrative
109 Hearings, or child support hearing officer has made reasonable
110 efforts to protect such information from being accessible
111 through other means available to the public.

112 f. The home addresses, telephone numbers, dates of birth,

113 and photographs of current or former human resource, labor
114 relations, or employee relations directors, assistant directors,
115 managers, or assistant managers of any local government agency
116 or water management district whose duties include hiring and
117 firing employees, labor contract negotiation, administration, or
118 other personnel-related duties; the names, home addresses,
119 telephone numbers, dates of birth, and places of employment of
120 the spouses and children of such personnel; and the names and
121 locations of schools and day care facilities attended by the
122 children of such personnel are exempt from s. 119.07(1) and s.
123 24(a), Art. I of the State Constitution.

124 g. The home addresses, telephone numbers, dates of birth,
125 and photographs of current or former code enforcement officers;
126 the names, home addresses, telephone numbers, dates of birth,
127 and places of employment of the spouses and children of such
128 personnel; and the names and locations of schools and day care
129 facilities attended by the children of such personnel are exempt
130 from s. 119.07(1) and s. 24(a), Art. I of the State
131 Constitution.

132 h. The home addresses, telephone numbers, places of
133 employment, dates of birth, and photographs of current or former
134 guardians ad litem, as defined in s. 39.820; the names, home
135 addresses, telephone numbers, dates of birth, and places of
136 employment of the spouses and children of such persons; and the
137 names and locations of schools and day care facilities attended
138 by the children of such persons are exempt from s. 119.07(1) and
139 s. 24(a), Art. I of the State Constitution, if the guardian ad
140 litem provides a written statement that the guardian ad litem

141 has made reasonable efforts to protect such information from
142 being accessible through other means available to the public.

143 i. The home addresses, telephone numbers, dates of birth,
144 and photographs of current or former juvenile probation
145 officers, juvenile probation supervisors, detention
146 superintendents, assistant detention superintendents, juvenile
147 justice detention officers I and II, juvenile justice detention
148 officer supervisors, juvenile justice residential officers,
149 juvenile justice residential officer supervisors I and II,
150 juvenile justice counselors, juvenile justice counselor
151 supervisors, human services counselor administrators, senior
152 human services counselor administrators, rehabilitation
153 therapists, and social services counselors of the Department of
154 Juvenile Justice; the names, home addresses, telephone numbers,
155 dates of birth, and places of employment of spouses and children
156 of such personnel; and the names and locations of schools and
157 day care facilities attended by the children of such personnel
158 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
159 Constitution.

160 j. The home addresses, telephone numbers, dates of birth,
161 and photographs of current or former public defenders, assistant
162 public defenders, criminal conflict and civil regional counsel,
163 and assistant criminal conflict and civil regional counsel; the
164 home addresses, telephone numbers, dates of birth, and places of
165 employment of the spouses and children of such defenders or
166 counsel; and the names and locations of schools and day care
167 facilities attended by the children of such defenders or counsel
168 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

169 Constitution.

170 k. The home addresses, telephone numbers, and photographs
171 of current or former investigators or inspectors of the
172 Department of Business and Professional Regulation; the names,
173 home addresses, telephone numbers, and places of employment of
174 the spouses and children of such current or former investigators
175 and inspectors; and the names and locations of schools and day
176 care facilities attended by the children of such current or
177 former investigators and inspectors are exempt from s. 119.07(1)
178 and s. 24(a), Art. I of the State Constitution if the
179 investigator or inspector has made reasonable efforts to protect
180 such information from being accessible through other means
181 available to the public. This sub-subparagraph is subject to the
182 Open Government Sunset Review Act in accordance with s. 119.15
183 and shall stand repealed on October 2, 2017, unless reviewed and
184 saved from repeal through reenactment by the Legislature.

185 l. The home addresses and telephone numbers of county tax
186 collectors; the names, home addresses, telephone numbers, and
187 places of employment of the spouses and children of such tax
188 collectors; and the names and locations of schools and day care
189 facilities attended by the children of such tax collectors are
190 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
191 Constitution if the county tax collector has made reasonable
192 efforts to protect such information from being accessible
193 through other means available to the public. This sub-
194 subparagraph is subject to the Open Government Sunset Review Act
195 in accordance with s. 119.15 and shall stand repealed on October
196 2, 2017, unless reviewed and saved from repeal through

197 reenactment by the Legislature.

198 3. An agency that is the custodian of the information
 199 specified in subparagraph 2. and that is not the employer of the
 200 officer, employee, justice, judge, or other person specified in
 201 subparagraph 2. shall maintain the exempt status of that
 202 information only if the officer, employee, justice, judge, other
 203 person, or employing agency of the designated employee submits a
 204 written request for maintenance of the exemption to the
 205 custodial agency.

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

209 5. This paragraph is subject to the Open Government Sunset
 210 Review Act in accordance with s. 119.15, and shall stand
 211 repealed on October 2, 2017, unless reviewed and saved from
 212 repeal through reenactment by the Legislature.

213 Section 2. The Legislature finds that it is a public
 214 necessity that the names of the spouses and children of active
 215 or former sworn or civilian law enforcement personnel be exempt
 216 from s. 119.07(1) and s. 24(a), Art. I of the State
 217 Constitution. Sworn and civilian law enforcement personnel in
 218 this state perform a variety of important duties that ensure
 219 public safety and welfare and encourage safe and civil
 220 communities. Correctional and correctional probation officers
 221 work with felons, many of whom have committed violent crimes.
 222 Personnel of the Department of Children and Families whose
 223 duties include the investigation of abuse, neglect,
 224 exploitation, fraud, theft, or other criminal activities, and

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225 personnel of the Department of Health, work with individuals who
226 may be a danger to their own children and families, as well as
227 the children of others. Personnel of the Department of Revenue
228 or local governments whose responsibilities include revenue
229 collection and enforcement or child support enforcement
230 investigate and bring enforcement actions against individuals
231 who have failed to pay their lawful taxes or failed to pay to
232 support their children. As a result of their duties, these sworn
233 and civilian law enforcement personnel often come in close
234 contact with individuals who not only may be a threat to these
235 personnel, but who might seek to take revenge against them by
236 harming their spouses and children. Permitting access to the
237 names of spouses and children of active or former sworn or
238 civilian law enforcement personnel provides a means by which
239 individuals who have been investigated, arrested, interrogated,
240 or incarcerated can identify and cause physical or emotional
241 harm to these spouses and children. The Legislature therefore
242 finds that the harm that may result from the release of the
243 names of spouses and children of such law enforcement personnel
244 outweighs any public benefit that may be derived from the
245 disclosure of the information.

246 Section 3. This act shall take effect October 1, 2013.