

By Senator Bean

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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 certain personal identifying  
5       information of school safety marshals; providing for  
6       disclosure of such information under specified  
7       conditions; providing for future legislative review  
8       and repeal of the exemption under the Open Government  
9       Sunset Review Act; providing a statement of public  
10      necessity; providing a contingent effective date.

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

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

16       119.071 General exemptions from inspection or copying of  
17      public records.—

18       (4) AGENCY PERSONNEL INFORMATION.—

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

24       2.a. The home addresses, telephone numbers, social security  
25      numbers, dates of birth, and photographs of active or former  
26      sworn or civilian law enforcement personnel, including  
27      correctional and correctional probation officers, personnel of  
28      the Department of Children and Family Services whose duties  
29      include the investigation of abuse, neglect, exploitation,

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

41 b. The home addresses, telephone numbers, dates of birth,  
42 and photographs of firefighters certified in compliance with s.  
43 633.35; the home addresses, telephone numbers, photographs,  
44 dates of birth, and places of employment of the spouses and  
45 children of such firefighters; and the names and locations of  
46 schools and day care facilities attended by the children of such  
47 firefighters are exempt from s. 119.07(1).

48 c. The home addresses, dates of birth, and telephone  
49 numbers of current or former justices of the Supreme Court,  
50 district court of appeal judges, circuit court judges, and  
51 county court judges; the home addresses, telephone numbers,  
52 dates of birth, and places of employment of the spouses and  
53 children of current or former justices and judges; and the names  
54 and locations of schools and day care facilities attended by the  
55 children of current or former justices and judges are exempt  
56 from s. 119.07(1).

57 d. The home addresses, telephone numbers, social security  
58 numbers, dates of birth, and photographs of current or former

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59 state attorneys, assistant state attorneys, statewide  
60 prosecutors, or assistant statewide prosecutors; the home  
61 addresses, telephone numbers, social security numbers,  
62 photographs, dates of birth, and places of employment of the  
63 spouses and children of current or former state attorneys,  
64 assistant state attorneys, statewide prosecutors, or assistant  
65 statewide prosecutors; and the names and locations of schools  
66 and day care facilities attended by the children of current or  
67 former state attorneys, assistant state attorneys, statewide  
68 prosecutors, or assistant statewide prosecutors are exempt from  
69 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

70 e. The home addresses, dates of birth, and telephone  
71 numbers of general magistrates, special magistrates, judges of  
72 compensation claims, administrative law judges of the Division  
73 of Administrative Hearings, and child support enforcement  
74 hearing officers; the home addresses, telephone numbers, dates  
75 of birth, and places of employment of the spouses and children  
76 of general magistrates, special magistrates, judges of  
77 compensation claims, administrative law judges of the Division  
78 of Administrative Hearings, and child support enforcement  
79 hearing officers; and the names and locations of schools and day  
80 care facilities attended by the children of general magistrates,  
81 special magistrates, judges of compensation claims,  
82 administrative law judges of the Division of Administrative  
83 Hearings, and child support enforcement hearing officers are  
84 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
85 Constitution if the general magistrate, special magistrate,  
86 judge of compensation claims, administrative law judge of the  
87 Division of Administrative Hearings, or child support hearing

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88 officer provides a written statement that the general  
89 magistrate, special magistrate, judge of compensation claims,  
90 administrative law judge of the Division of Administrative  
91 Hearings, or child support hearing officer has made reasonable  
92 efforts to protect such information from being accessible  
93 through other means available to the public.

94 f. The home addresses, telephone numbers, dates of birth,  
95 and photographs of current or former human resource, labor  
96 relations, or employee relations directors, assistant directors,  
97 managers, or assistant managers of any local government agency  
98 or water management district whose duties include hiring and  
99 firing employees, labor contract negotiation, administration, or  
100 other personnel-related duties; the names, home addresses,  
101 telephone numbers, dates of birth, and places of employment of  
102 the spouses and children of such personnel; and the names and  
103 locations of schools and day care facilities attended by the  
104 children of such personnel are exempt from s. 119.07(1) and s.  
105 24(a), Art. I of the State Constitution.

106 g. The home addresses, telephone numbers, dates of birth,  
107 and photographs of current or former code enforcement officers;  
108 the names, home addresses, telephone numbers, dates of birth,  
109 and places of employment of the spouses and children of such  
110 personnel; and the names and locations of schools and day care  
111 facilities attended by the children of such personnel are exempt  
112 from s. 119.07(1) and s. 24(a), Art. I of the State  
113 Constitution.

114 h. The home addresses, telephone numbers, places of  
115 employment, dates of birth, and photographs of current or former  
116 guardians ad litem, as defined in s. 39.820; the names, home

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117 addresses, telephone numbers, dates of birth, and places of  
118 employment of the spouses and children of such persons; and the  
119 names and locations of schools and day care facilities attended  
120 by the children of such persons are exempt from s. 119.07(1) and  
121 s. 24(a), Art. I of the State Constitution, if the guardian ad  
122 litem provides a written statement that the guardian ad litem  
123 has made reasonable efforts to protect such information from  
124 being accessible through other means available to the public.

125 i. The home addresses, telephone numbers, dates of birth,  
126 and photographs of current or former juvenile probation  
127 officers, juvenile probation supervisors, detention  
128 superintendents, assistant detention superintendents, juvenile  
129 justice detention officers I and II, juvenile justice detention  
130 officer supervisors, juvenile justice residential officers,  
131 juvenile justice residential officer supervisors I and II,  
132 juvenile justice counselors, juvenile justice counselor  
133 supervisors, human services counselor administrators, senior  
134 human services counselor administrators, rehabilitation  
135 therapists, and social services counselors of the Department of  
136 Juvenile Justice; the names, home addresses, telephone numbers,  
137 dates of birth, and places of employment of spouses and children  
138 of such personnel; and the names and locations of schools and  
139 day care facilities attended by the children of such personnel  
140 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
141 Constitution.

142 j. The home addresses, telephone numbers, dates of birth,  
143 and photographs of current or former public defenders, assistant  
144 public defenders, criminal conflict and civil regional counsel,  
145 and assistant criminal conflict and civil regional counsel; the

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146 home addresses, telephone numbers, dates of birth, and places of  
147 employment of the spouses and children of such defenders or  
148 counsel; and the names and locations of schools and day care  
149 facilities attended by the children of such defenders or counsel  
150 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
151 Constitution.

152 k. The home addresses, telephone numbers, and photographs  
153 of current or former investigators or inspectors of the  
154 Department of Business and Professional Regulation; the names,  
155 home addresses, telephone numbers, and places of employment of  
156 the spouses and children of such current or former investigators  
157 and inspectors; and the names and locations of schools and day  
158 care facilities attended by the children of such current or  
159 former investigators and inspectors are exempt from s. 119.07(1)  
160 and s. 24(a), Art. I of the State Constitution if the  
161 investigator or inspector has made reasonable efforts to protect  
162 such information from being accessible through other means  
163 available to the public. This sub-subparagraph is subject to the  
164 Open Government Sunset Review Act in accordance with s. 119.15  
165 and shall stand repealed on October 2, 2017, unless reviewed and  
166 saved from repeal through reenactment by the Legislature.

167 l. The home addresses and telephone numbers of county tax  
168 collectors; the names, home addresses, telephone numbers, and  
169 places of employment of the spouses and children of such tax  
170 collectors; and the names and locations of schools and day care  
171 facilities attended by the children of such tax collectors are  
172 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
173 Constitution if the county tax collector has made reasonable  
174 efforts to protect such information from being accessible

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175 through other means available to the public. This sub-  
176 subparagraph is subject to the Open Government Sunset Review Act  
177 in accordance with s. 119.15 and shall stand repealed on October  
178 2, 2017, unless reviewed and saved from repeal through  
179 reenactment by the Legislature.

180 m. The names, home addresses, telephone numbers, social  
181 security numbers, dates of birth, and photographs of individuals  
182 recommended by a school district as a school safety marshal and  
183 active or former school safety marshals appointed by the  
184 Department of Education pursuant to s. 1012.47 are exempt from  
185 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
186 Information on a school safety marshal which is made exempt by  
187 this sub-subparagraph may be disclosed to another governmental  
188 entity if disclosure is necessary for the receiving entity to  
189 perform its duties and responsibilities; upon request by a law  
190 enforcement agency in connection with the performance of lawful  
191 duties; or to a school district in which the school safety  
192 marshal serves. This sub-subparagraph is subject to the Open  
193 Government Sunset Review Act in accordance with s. 119.15 and  
194 shall stand repealed on October 2, 2018, unless reviewed and  
195 saved from repeal through reenactment by the Legislature.

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

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

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

211 Section 2. The Legislature finds that it is a public  
212 necessity that the personal identifying information of school  
213 safety marshals be made exempt from public records requirements,  
214 with certain exceptions. While educating students is the primary  
215 focus of the Department of Education and each school district,  
216 the tragic events at Sandy Hook Elementary School in Newtown,  
217 Connecticut, in which 20 students and six adults were killed on  
218 December 14, 2012, and at Columbine High School in Columbine,  
219 Colorado, in which 12 students and one teacher were murdered and  
220 an additional 21 students were injured on April 20, 1999, have  
221 made the Department of Education and school districts keenly  
222 aware that the safety, security, and well-being of students,  
223 faculty, and staff is of paramount concern. The Department of  
224 Education created the School Safety Marshal Program to address  
225 the challenges that school districts face in providing an  
226 environment in which students can learn free from fear. School  
227 safety marshals are school district personnel who freely and  
228 willingly undergo a thorough investigation and intensive  
229 training in order to carry a concealed firearm on school grounds  
230 for the protection of our children, the most innocent and  
231 vulnerable residents of the state. School safety marshals are  
232 the first line of defense against school violence. Identifying



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233 school safety marshals frustrates the purpose of the marshal  
234 program and makes school safety marshals targets for acts of  
235 violence. The Legislature finds that the release of identifying  
236 information of school marshals would allow persons with  
237 nefarious plans regarding public schools to target and  
238 immobilize this first line of defense against school violence.  
239 The possibility that a marshal may be targeted in a violent  
240 incident will also have a chilling effect on the number of  
241 school district personnel willing to serve this important role  
242 within schools. In addition, because school safety marshals are  
243 required to possess a valid concealed weapons permit pursuant to  
244 s. 790.06, Florida Statutes, releasing identifying information  
245 of these persons subverts the public records exemption provided  
246 to holders of a concealed weapons license in this state pursuant  
247 to s. 790.0601, Florida Statutes. The Legislature has found in  
248 prior legislative sessions and has expressed in s.  
249 790.335(1)(a)3., Florida Statutes, that a record of legally  
250 owned firearms or law-abiding firearm owners is an instrument  
251 that can be used as a means to profile innocent citizens and to  
252 harass and abuse American citizens based solely on their choice  
253 to own firearms and exercise their Second Amendment right to  
254 keep and bear arms as guaranteed under the United States  
255 Constitution. Further, the information could be used and has  
256 been used to identify individuals who have obtained a license to  
257 carry a concealed weapon or firearm for the purpose of making  
258 the identity of the licensee publicly available through  
259 traditional media and the Internet. Such disclosure undermines  
260 the purpose of carrying a concealed weapon or firearm and  
261 subjects school personnel who desire to aid in the defense of

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262 schools to annoyance and harassment in the conduct of this  
263 important duty in their professional and private lives. Of  
264 special concern is possible harassment from students, which  
265 could have a negative impact on the student-staff relationship  
266 and the learning environment. Therefore, the Legislature finds  
267 that the harm to school children and former or active school  
268 safety marshals which would result from the release of personal  
269 identifying information of a former or active school safety  
270 marshal outweighs any minimal public benefit derived from  
271 disclosure to the public.

272       Section 3. This act shall take effect on the same date that  
273 SB \_\_\_\_ or similar legislation takes effect, if such legislation  
274 is adopted in the same legislative session or an extension  
275 thereof and becomes a law.