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585-03918-10

Proposed Committee Substitute by the Committee on Governmental
Oversight and Accountability

A bill to be entitled

An act relating to public records; amending s.
119.071, F.S.; expanding a public-records exemption
for specified personal information of the spouses and
children of active and former law enforcement and
investigatory personnel; expanding a public-records
exemption for specified personal information of
firefighters and for their spouses and children;
providing for future legislative review and repeal of
the exemptions under the Open Government Sunset Review
Act; providing a statement of public necessity;
providing an effective date.

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

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

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

(4) AGENCY PERSONNEL INFORMATION.—

(d)1.a. The home addresses, telephone numbers, social
security numbers, and photographs of active or former law
enforcement personnel, including correctional and correctional
probation officers, personnel of the Department of Children and
Family Services whose duties include the investigation of abuse,
neglect, exploitation, fraud, theft, or other criminal
activities, personnel of the Department of Health whose duties



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28 are to support the investigation of child abuse or neglect, and
29 personnel of the Department of Revenue or local governments
30 whose responsibilities include revenue collection and
31 enforcement or child support enforcement; the names, home
32 addresses, telephone numbers, social security numbers,
33 photographs, and places of employment of the spouses and
34 children of such personnel; and the names and locations of
35 schools and day care facilities attended by the children of such
36 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
37 the State Constitution. This sub-subparagraph is subject to the
38 Open Government Sunset Review Act in accordance with s. 119.15
39 and shall stand repealed on October 2, 2015, unless reviewed and
40 saved from repeal through reenactment by the Legislature.

41 b. The home addresses, telephone numbers, social security
42 numbers, and photographs of current or former firefighters
43 certified in compliance with s. 633.35; the names, home
44 addresses, telephone numbers, social security numbers,
45 photographs, and places of employment of the spouses and
46 children of such firefighters; and the names and locations of
47 schools and day care facilities attended by the children of such
48 firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I
49 of the State Constitution. This sub-subparagraph is subject to
50 the Open Government Sunset Review Act in accordance with s.
51 119.15 and shall stand repealed on October 2, 2015, unless
52 reviewed and saved from repeal through reenactment by the
53 Legislature.

54 c. The home addresses and telephone numbers of justices of
55 the Supreme Court, district court of appeal judges, circuit
56 court judges, and county court judges; the home addresses,



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57 telephone numbers, and places of employment of the spouses and
58 children of justices and judges; and the names and locations of
59 schools and day care facilities attended by the children of
60 justices and judges are exempt from s. 119.07(1).

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

74 e. The home addresses and telephone numbers of general
75 magistrates, special magistrates, judges of compensation claims,
76 administrative law judges of the Division of Administrative
77 Hearings, and child support enforcement hearing officers; the
78 home addresses, telephone numbers, and places of employment of
79 the spouses and children of general magistrates, special
80 magistrates, judges of compensation claims, administrative law
81 judges of the Division of Administrative Hearings, and child
82 support enforcement hearing officers; and the names and
83 locations of schools and day care facilities attended by the
84 children of general magistrates, special magistrates, judges of
85 compensation claims, administrative law judges of the Division



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86 of Administrative Hearings, and child support enforcement
87 hearing officers are exempt from s. 119.07(1) and s. 24(a), Art.
88 I of the State Constitution if the general magistrate, special
89 magistrate, judge of compensation claims, administrative law
90 judge of the Division of Administrative Hearings, or child
91 support hearing officer provides a written statement that the
92 general magistrate, special magistrate, judge of compensation
93 claims, administrative law judge of the Division of
94 Administrative Hearings, or child support hearing officer has
95 made reasonable efforts to protect such information from being
96 accessible through other means available to the public. This
97 sub-subparagraph is subject to the Open Government Sunset Review
98 Act in accordance with s. 119.15, and shall stand repealed on
99 October 2, 2013, unless reviewed and saved from repeal through
100 reenactment by the Legislature.

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

113 g. The home addresses, telephone numbers, and photographs
114 of current or former code enforcement officers; the names, home



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115 addresses, telephone numbers, and places of employment of the
116 spouses and children of such personnel; and the names and
117 locations of schools and day care facilities attended by the
118 children of such personnel are exempt from s. 119.07(1) and s.
119 24(a), Art. I of the State Constitution.

120 h. The home addresses, telephone numbers, places of
121 employment, and photographs of current or former guardians ad
122 litem, as defined in s. 39.820, and the names, home addresses,
123 telephone numbers, and places of employment of the spouses and
124 children of such persons, are exempt from s. 119.07(1) and s.
125 24(a), Art. I of the State Constitution, if the guardian ad
126 litem provides a written statement that the guardian ad litem
127 has made reasonable efforts to protect such information from
128 being accessible through other means available to the public.
129 This sub-subparagraph is subject to the Open Government Sunset
130 Review Act in accordance with s. 119.15 and shall stand repealed
131 on October 2, 2010, unless reviewed and saved from repeal
132 through reenactment by the Legislature.

133 i. The home addresses, telephone numbers, and photographs
134 of current or former juvenile probation officers, juvenile
135 probation supervisors, detention superintendents, assistant
136 detention superintendents, senior juvenile detention officers,
137 juvenile detention officer supervisors, juvenile detention
138 officers, house parents I and II, house parent supervisors,
139 group treatment leaders, group treatment leader supervisors,
140 rehabilitation therapists, and social services counselors of the
141 Department of Juvenile Justice; the names, home addresses,
142 telephone numbers, and places of employment of spouses and
143 children of such personnel; and the names and locations of



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144 schools and day care facilities attended by the children of such
145 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
146 the State Constitution. This sub-subparagraph is subject to the
147 Open Government Sunset Review Act in accordance with s. 119.15
148 and shall stand repealed on October 2, 2011, unless reviewed and
149 saved from repeal through reenactment by the Legislature.

150 2. An agency that is the custodian of the information
151 specified in subparagraph 1. and that is not the employer of the
152 officer, employee, justice, judge, or other person specified in
153 subparagraph 1. shall maintain the exempt status of that
154 information only if the officer, employee, justice, judge, other
155 person, or employing agency of the designated employee submits a
156 written request for maintenance of the exemption to the
157 custodial agency.

158 Section 2. (1) The Legislature finds that it is a public
159 necessity to exempt specified personal information relating to
160 active or former law enforcement personnel, including
161 correctional and correctional probation officers, personnel of
162 the Department of Children and Family Services whose duties
163 include the investigation of abuse, neglect, exploitation,
164 fraud, theft, or other criminal activities, personnel of the
165 Department of Health whose duties are to support the
166 investigation of child abuse or neglect, and personnel of the
167 Department of Revenue or local governments whose
168 responsibilities include revenue collection and enforcement or
169 child support enforcement, as well as to their spouses and
170 children, from disclosure under the public-records laws of the
171 state. In the course of their occupational duties, these
172 employees routinely interact with individuals who have criminal



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173 records or who are currently engaged in or suspected of criminal
174 activity. These employees also interact with the victims of
175 crimes. By participating in law enforcement activities, these
176 employees provide a valuable public service. However,
177 individuals with whom the employees interact in the course of
178 their duties may become disgruntled by the actions taken by the
179 employees or by legal proceedings begun against them as a result
180 of the employees' actions. This could result in these employees
181 and their families becoming targets for acts of violence.
182 Disclosure of the information protected by the public-records
183 exemption in this act would jeopardize the safety of these
184 employees and their families. Therefore, it is a public
185 necessity to exempt from disclosure personal information
186 concerning active or former law enforcement personnel, including
187 correctional and correctional probation officers, personnel of
188 the Department of Children and Family Services whose duties
189 include the investigation of abuse, neglect, exploitation,
190 fraud, theft, or other criminal activities, personnel of the
191 Department of Health whose duties are to support the
192 investigation of child abuse or neglect, and personnel of the
193 Department of Revenue or local governments whose
194 responsibilities include revenue collection and enforcement or
195 child support enforcement as well as the names of the spouses
196 and children of such employees.

197 (2) The Legislature further finds that it is a public
198 necessity to exempt specified personal information relating to
199 current or former firefighters certified in compliance with s.
200 633.35, Florida Statutes, as well as to their spouses and
201 children, from disclosure under the public-records laws of the



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202 state. In the course of their occupational duties, firefighters
203 become involved in highly emotionally charged situations in
204 which deaths or significant property damage may occur. An
205 individual involved in such a situation may associate the
206 firefighters with the situation if the outcome is negative, and
207 may even blame the firefighters for such an outcome.
208 Firefighters may also become involved in criminal arson
209 investigations, the targets of which may become disgruntled by
210 the firefighters' role in legal proceedings begun against them.
211 This could result in these firefighters and their families
212 becoming targets for acts of violence. Disclosure of the
213 information protected by the public-records exemption in this
214 act would jeopardize the safety of these firefighters and their
215 families. Therefore, it is a public necessity to exempt from
216 disclosure the home addresses, telephone numbers, social
217 security numbers, and photographs of current or former
218 firefighters certified in compliance with s. 633.35, Florida
219 Statutes; the names, home addresses, telephone numbers, social
220 security numbers, photographs, and places of employment of the
221 spouses and children of such firefighters; and the names and
222 locations of schools and day care facilities attended by the
223 children of such firefighters.

224 Section 3. This act shall take effect July 1, 2010.