

By the Committee on Governmental Oversight and Accountability;  
and Senators Fasano and Storms

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1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.071, F.S.; expanding a public-records exemption  
4           for specified personal information of the spouses and  
5           children of active and former law enforcement and  
6           investigatory personnel; expanding a public-records  
7           exemption for specified personal information of  
8           firefighters and for their spouses and children;  
9           providing for future legislative review and repeal of  
10          the exemptions under the Open Government Sunset Review  
11          Act; providing a statement of public necessity;  
12          providing an effective date.

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

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16           Section 1. Paragraph (d) of subsection (4) of section  
17           119.071, Florida Statutes, is amended to read:

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

20           (4) AGENCY PERSONNEL INFORMATION.—

21           (d)1.a. The home addresses, telephone numbers, social  
22           security numbers, and photographs of active or former law  
23           enforcement personnel, including correctional and correctional  
24           probation officers, personnel of the Department of Children and  
25           Family Services whose duties include the investigation of abuse,  
26           neglect, exploitation, fraud, theft, or other criminal  
27           activities, personnel of the Department of Health whose duties  
28           are to support the investigation of child abuse or neglect, and  
29           personnel of the Department of Revenue or local governments

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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,  
57 telephone numbers, and places of employment of the spouses and  
58 children of justices and judges; and the names and locations of

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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  
86 of Administrative Hearings, and child support enforcement  
87 hearing officers are exempt from s. 119.07(1) and s. 24(a), Art.

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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  
115 addresses, telephone numbers, and places of employment of the  
116 spouses and children of such personnel; and the names and

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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  
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

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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  
173 records or who are currently engaged in or suspected of criminal  
174 activity. These employees also interact with the victims of

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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  
202 state. In the course of their occupational duties, firefighters  
203 become involved in highly emotionally charged situations in

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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.