

By the Committee on Governmental Oversight and Accountability;
and Senator Jones

585-02366-10

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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 a public-records exemption for
4 specified personal information of current and former
5 public defenders and criminal conflict and civil
6 regional counsel, as well as their spouses and
7 children; providing for future legislative review and
8 repeal of the exemption under the Open Government
9 Sunset Review Act; providing a statement of public
10 necessity; providing an 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.a. The home addresses, telephone numbers, social
20 security numbers, and photographs of active or former law
21 enforcement personnel, including correctional and correctional
22 probation officers, personnel of the Department of Children and
23 Family Services whose duties include the investigation of abuse,
24 neglect, exploitation, fraud, theft, or other criminal
25 activities, personnel of the Department of Health whose duties
26 are to support the investigation of child abuse or neglect, and
27 personnel of the Department of Revenue or local governments
28 whose responsibilities include revenue collection and
29 enforcement or child support enforcement; the home addresses,

585-02366-10

2010312c1

30 telephone numbers, social security numbers, photographs, and
31 places of employment of the spouses and children of such
32 personnel; and the names and locations of schools and day care
33 facilities attended by the children of such personnel are exempt
34 from s. 119.07(1).

35 b. The home addresses, telephone numbers, and photographs
36 of firefighters certified in compliance with s. 633.35; the home
37 addresses, telephone numbers, photographs, and places of
38 employment of the spouses and children of such firefighters; and
39 the names and locations of schools and day care facilities
40 attended by the children of such firefighters are exempt from s.
41 119.07(1).

42 c. The home addresses and telephone numbers of justices of
43 the Supreme Court, district court of appeal judges, circuit
44 court judges, and county court judges; the home addresses,
45 telephone numbers, and places of employment of the spouses and
46 children of justices and judges; and the names and locations of
47 schools and day care facilities attended by the children of
48 justices and judges are exempt from s. 119.07(1).

49 d. The home addresses, telephone numbers, social security
50 numbers, and photographs of current or former state attorneys,
51 assistant state attorneys, statewide prosecutors, or assistant
52 statewide prosecutors; the home addresses, telephone numbers,
53 social security numbers, photographs, and places of employment
54 of the spouses and children of current or former state
55 attorneys, assistant state attorneys, statewide prosecutors, or
56 assistant statewide prosecutors; and the names and locations of
57 schools and day care facilities attended by the children of
58 current or former state attorneys, assistant state attorneys,

585-02366-10

2010312c1

59 statewide prosecutors, or assistant statewide prosecutors are
60 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
61 Constitution.

62 e. The home addresses and telephone numbers of general
63 magistrates, special magistrates, judges of compensation claims,
64 administrative law judges of the Division of Administrative
65 Hearings, and child support enforcement hearing officers; the
66 home addresses, telephone numbers, and places of employment of
67 the spouses and children of general magistrates, special
68 magistrates, judges of compensation claims, administrative law
69 judges of the Division of Administrative Hearings, and child
70 support enforcement hearing officers; and the names and
71 locations of schools and day care facilities attended by the
72 children of general magistrates, special magistrates, judges of
73 compensation claims, administrative law judges of the Division
74 of Administrative Hearings, and child support enforcement
75 hearing officers are exempt from s. 119.07(1) and s. 24(a), Art.
76 I of the State Constitution if the general magistrate, special
77 magistrate, judge of compensation claims, administrative law
78 judge of the Division of Administrative Hearings, or child
79 support hearing officer provides a written statement that the
80 general magistrate, special magistrate, judge of compensation
81 claims, administrative law judge of the Division of
82 Administrative Hearings, or child support hearing officer has
83 made reasonable efforts to protect such information from being
84 accessible through other means available to the public. This
85 sub-subparagraph is subject to the Open Government Sunset Review
86 Act in accordance with s. 119.15, and shall stand repealed on
87 October 2, 2013, unless reviewed and saved from repeal through

585-02366-10

2010312c1

88 reenactment by the Legislature.

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

101 g. The home addresses, telephone numbers, and photographs
102 of current or former code enforcement officers; the names, home
103 addresses, telephone numbers, and places of employment of the
104 spouses and children of such personnel; and the names and
105 locations of schools and day care facilities attended by the
106 children of such personnel are exempt from s. 119.07(1) and s.
107 24(a), Art. I of the State Constitution.

108 h. The home addresses, telephone numbers, places of
109 employment, and photographs of current or former guardians ad
110 litem, as defined in s. 39.820, and the names, home addresses,
111 telephone numbers, and places of employment of the spouses and
112 children of such persons, are exempt from s. 119.07(1) and s.
113 24(a), Art. I of the State Constitution, if the guardian ad
114 litem provides a written statement that the guardian ad litem
115 has made reasonable efforts to protect such information from
116 being accessible through other means available to the public.

585-02366-10

2010312c1

117 This sub-subparagraph is subject to the Open Government Sunset
118 Review Act in accordance with s. 119.15 and shall stand repealed
119 on October 2, 2010, unless reviewed and saved from repeal
120 through reenactment by the Legislature.

121 i. The home addresses, telephone numbers, and photographs
122 of current or former juvenile probation officers, juvenile
123 probation supervisors, detention superintendents, assistant
124 detention superintendents, senior juvenile detention officers,
125 juvenile detention officer supervisors, juvenile detention
126 officers, house parents I and II, house parent supervisors,
127 group treatment leaders, group treatment leader supervisors,
128 rehabilitation therapists, and social services counselors of the
129 Department of Juvenile Justice; the names, home addresses,
130 telephone numbers, and places of employment of spouses and
131 children of such personnel; and the names and locations of
132 schools and day care facilities attended by the children of such
133 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
134 the State Constitution. This sub-subparagraph is subject to the
135 Open Government Sunset Review Act in accordance with s. 119.15
136 and shall stand repealed on October 2, 2011, unless reviewed and
137 saved from repeal through reenactment by the Legislature.

138 j. The home addresses, telephone numbers, and photographs
139 of current or former public defenders, assistant public
140 defenders, criminal conflict and civil regional counsel, and
141 assistant criminal conflict and civil regional counsel; the home
142 addresses, telephone numbers, and places of employment of the
143 spouses and children of such defenders or counsel; and the names
144 and locations of schools and day care facilities attended by the
145 children of such defenders or counsel are exempt from s.

585-02366-10

2010312c1

146 119.07(1) and s. 24(a), Art. I of the State Constitution. This
147 sub-subparagraph is subject to the Open Government Sunset Review
148 Act in accordance with s. 119.15 and shall stand repealed on
149 October 2, 2015, unless reviewed and saved from repeal through
150 reenactment by the Legislature.

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

159 Section 2. The Legislature finds that it is a public
160 necessity to exempt specified personal information relating to
161 current and former public defenders, assistant public defenders,
162 criminal conflict and civil regional counsel, and assistant
163 criminal conflict and civil regional counsel, as well as their
164 spouses and children, from disclosure under the public-records
165 laws of the state. In the course of representing defendants in
166 criminal prosecutions, these attorneys routinely interact with
167 individuals who have criminal records or who are currently
168 engaged in or suspected of criminal activity. These attorneys
169 also interact with the victims of crimes. In addition, criminal
170 conflict and civil regional counsel and their assistants also
171 provide representation in sensitive civil matters, such as those
172 in which a person's parental rights may be terminated based on
173 allegations of perpetrating abuse and neglect against a child.
174 By providing legal representation in criminal and civil matters,

585-02366-10

2010312c1

175 these attorneys provide a valuable service. However, individuals
176 may become disgruntled by the proceedings or the outcome of a
177 criminal or civil case, which could result in these attorneys
178 and their families becoming targets for acts of violence.
179 Disclosure of the information protected by the public-records
180 exemption created by this act would jeopardize the safety of
181 these attorneys and their families. Therefore, it is a public
182 necessity to exempt from disclosure the home addresses,
183 telephone numbers, and photographs of current or former public
184 defenders, assistant public defenders, criminal conflict and
185 civil regional counsel, and assistant criminal conflict and
186 civil regional counsel; the home addresses, telephone numbers,
187 and places of employment of the spouses and children of such
188 defenders or counsel; and the names and locations of schools and
189 day care facilities attended by the children of such defenders
190 or counsel.

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