

1                   A bill to be entitled  
2       An act relating to public records; amending s. 119.071,  
3       F.S.; creating an exemption from public records  
4       requirements for personal identifying and location  
5       information of current and former public defenders and  
6       criminal conflict and civil regional counsel and the  
7       spouses and children of such defenders or counsel;  
8       providing for future legislative review and repeal of the  
9       exemption; providing a statement of public necessity;  
10      providing an effective date.

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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,  
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,  
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  
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.  
 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.  
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 from disclosure under the public records  
161 laws of the state personal identifying and location information  
162 of current and former public defenders, assistant public  
163 defenders, criminal conflict and civil regional counsel, and  
164 assistant criminal conflict and civil regional counsel, and the  
165 spouses and children of such defenders or counsel. In the course  
166 of representing defendants in criminal prosecutions, these  
167 attorneys routinely interact with individuals who have criminal  
168 records or who are currently engaged in or suspected of criminal

169 activity. These attorneys also interact with the victims of  
170 crimes. In addition, criminal conflict and civil regional  
171 counsel and their assistants also provide representation in  
172 sensitive civil matters, such as those in which a person's  
173 parental rights may be terminated based on allegations of  
174 perpetrating abuse and neglect against a child. By providing  
175 legal representation in criminal and civil matters, these  
176 attorneys provide a valuable service. However, parties to such  
177 criminal and civil matters may become disgruntled by the  
178 proceedings or the outcome of a case, which can result in the  
179 attorneys and their families becoming targets for acts of  
180 violence. Disclosure of the information protected under the  
181 public records exemption created by this act would jeopardize  
182 the safety of these attorneys and their families. Therefore, it  
183 is the finding of the Legislature that it is a public necessity  
184 to exempt from disclosure under the public records laws of this  
185 state the home addresses, telephone numbers, and photographs of  
186 current or former public defenders, assistant public defenders,  
187 criminal conflict and civil regional counsel, and assistant  
188 criminal conflict and civil regional counsel, the home  
189 addresses, telephone numbers, and places of employment of the  
190 spouses and children of such defenders or counsel, and the names  
191 and locations of schools and day care facilities attended by the  
192 children of such defenders or counsel.

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