

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

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

14
 15 Section 1. Paragraph (d) of subsection (4) of section
 16 119.071, Florida Statutes, is amended to read:

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

19 (4) AGENCY PERSONNEL INFORMATION.—

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

HB 1027

2011

29 whose responsibilities include revenue collection and
30 enforcement or child support enforcement; the names, home
31 addresses, telephone numbers, social security numbers,
32 photographs, and places of employment of the spouses and
33 children of such personnel; and the names and locations of
34 schools and day care facilities attended by the children of such
35 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
36 the State Constitution. This sub-subparagraph is subject to the
37 Open Government Sunset Review Act in accordance with s. 119.15
38 and shall stand repealed on October 2, 2016, unless reviewed and
39 saved from repeal through reenactment by the Legislature.

40 b. The home addresses, telephone numbers, social security
41 numbers, and photographs of current or former firefighters
42 certified in compliance with s. 633.35; the names, home
43 addresses, telephone numbers, social security numbers,
44 photographs, 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) and s. 24(a), Art. I
48 of the State Constitution. This sub-subparagraph is subject to
49 the Open Government Sunset Review Act in accordance with s.
50 119.15 and shall stand repealed on October 2, 2016, unless
51 reviewed and saved from repeal through reenactment by the
52 Legislature.

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

HB 1027

2011

57 | children of justices and judges; and the names and locations of
58 | schools and day care facilities attended by the children of
59 | justices and judges are exempt from s. 119.07(1).

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

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

HB 1027

2011

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

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

112 g. The home addresses, telephone numbers, and photographs

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

119 h. The home addresses, telephone numbers, places of
 120 employment, and photographs of current or former guardians ad
 121 litem, as defined in s. 39.820; the names, home addresses,
 122 telephone numbers, and places of employment of the spouses and
 123 children of such persons; and the names and locations of schools
 124 and day care facilities attended by the children of such persons
 125 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 126 Constitution, if the guardian ad litem provides a written
 127 statement that the guardian ad litem has made reasonable efforts
 128 to protect such information from being accessible through other
 129 means available to the public. This sub-subparagraph is subject
 130 to the Open Government Sunset Review Act in accordance with s.
 131 119.15 and shall stand repealed on October 2, 2015, unless
 132 reviewed and saved from repeal through reenactment by the
 133 Legislature.

134 i. The home addresses, telephone numbers, and photographs
 135 of current or former juvenile probation officers, juvenile
 136 probation supervisors, detention superintendents, assistant
 137 detention superintendents, senior juvenile detention officers,
 138 juvenile detention officer supervisors, juvenile detention
 139 officers, house parents I and II, house parent supervisors,
 140 group treatment leaders, group treatment leader supervisors,

HB 1027

2011

141 rehabilitation therapists, and social services counselors of the
142 Department of Juvenile Justice; the names, home addresses,
143 telephone numbers, and places of employment of spouses and
144 children of such personnel; and the names and locations of
145 schools and day care facilities attended by the children of such
146 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
147 the State Constitution. This sub-subparagraph is subject to the
148 Open Government Sunset Review Act in accordance with s. 119.15
149 and shall stand repealed on October 2, 2011, unless reviewed and
150 saved from repeal through reenactment by the Legislature.

151 j. The home addresses, telephone numbers, and photographs
152 of current or former public defenders, assistant public
153 defenders, criminal conflict and civil regional counsel, and
154 assistant criminal conflict and civil regional counsel; the home
155 addresses, telephone numbers, and places of employment of the
156 spouses and children of such defenders or counsel; and the names
157 and locations of schools and day care facilities attended by the
158 children of such defenders or counsel are exempt from s.
159 119.07(1) and s. 24(a), Art. I of the State Constitution. This
160 sub-subparagraph is subject to the Open Government Sunset Review
161 Act in accordance with s. 119.15 and shall stand repealed on
162 October 2, 2015, unless reviewed and saved from repeal through
163 reenactment by the Legislature.

164 2. An agency that is the custodian of the information
165 specified in subparagraph 1. and that is not the employer of the
166 officer, employee, justice, judge, or other person specified in
167 subparagraph 1. shall maintain the exempt status of that
168 information only if the officer, employee, justice, judge, other

HB 1027

2011

169 person, or employing agency of the designated employee submits a
170 written request for maintenance of the exemption to the
171 custodial agency.

172 Section 2. (1) The Legislature finds that it is a public
173 necessity that specified personal information relating to active
174 or former law enforcement personnel, including correctional and
175 correctional probation officers, personnel of the Department of
176 Children and Family Services whose duties include the
177 investigation of abuse, neglect, exploitation, fraud, theft, or
178 other criminal activities, personnel of the Department of Health
179 whose duties are to support the investigation of child abuse or
180 neglect, and personnel of the Department of Revenue or local
181 governments whose responsibilities include revenue collection
182 and enforcement or child support enforcement, as well as
183 personal information relating to the spouses and children of
184 such personnel, be made confidential and exempt from s.
185 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State
186 Constitution. In the course of their occupational duties, these
187 employees routinely interact with individuals who have criminal
188 records or who are currently engaged in or suspected of criminal
189 activity. These employees also interact with the victims of
190 crimes. By participating in law enforcement activities, these
191 employees provide a valuable public service. However,
192 individuals with whom the employees interact in the course of
193 their duties may become disgruntled by the actions taken by the
194 employees or by legal proceedings begun against them as a result
195 of the employees' actions. This could result in the employees
196 and their families becoming targets for acts of violence.

HB 1027

2011

197 Disclosure of the information protected by the public records
198 exemption in this act would jeopardize the safety of these
199 employees and their families. Therefore, it is the finding of
200 the Legislature that it is a public necessity to make
201 confidential and exempt from public records requirements
202 personal information concerning active or former law enforcement
203 personnel, including correctional and correctional probation
204 officers, personnel of the Department of Children and Family
205 Services whose duties include the investigation of abuse,
206 neglect, exploitation, fraud, theft, or other criminal
207 activities, personnel of the Department of Health whose duties
208 are to support the investigation of child abuse or neglect, and
209 personnel of the Department of Revenue or local governments
210 whose responsibilities include revenue collection and
211 enforcement or child support enforcement, as well as the names
212 of the spouses and children of such employees.

213 (2) It is the further finding of the Legislature that it
214 is a public necessity that specified personal information
215 relating to current or former firefighters certified in
216 compliance with s. 633.35, Florida Statutes, as well as personal
217 information relating to the spouses and children of such
218 firefighters, be made confidential and exempt from s. 119.07(1),
219 Florida Statutes, and s. 24(a), Art. I of the State
220 Constitution. In the course of their occupational duties,
221 firefighters become involved in highly emotionally charged
222 situations in which deaths or significant property damage may
223 occur. An individual involved in such a situation may associate
224 the firefighters with the situation if the outcome is negative,

HB 1027

2011

225 and may even blame the firefighters for such an outcome.
226 Firefighters may also become involved in criminal arson
227 investigations, the targets of which may become disgruntled by
228 the firefighters' role in legal proceedings begun against them.
229 This could result in the firefighters and their families
230 becoming targets for acts of violence. Disclosure of the
231 information protected by the public records exemption in this
232 act would jeopardize the safety of these firefighters and their
233 families. Therefore, it is the finding of the Legislature that
234 it is a public necessity that the home addresses, telephone
235 numbers, social security numbers, and photographs of current or
236 former firefighters certified in compliance with s. 633.35,
237 Florida Statutes, the names, home addresses, telephone numbers,
238 social security numbers, photographs, and places of employment
239 of the spouses and children of such firefighters, and the names
240 and locations of schools and day care facilities attended by the
241 children of such firefighters be made confidential and exempt
242 from public records requirements.

243 Section 3. This act shall take effect July 1, 2011.