

By Senator Fasano

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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39 and shall stand repealed on October 2, 2016, unless reviewed and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, 2016, 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; the names, home addresses,
123 telephone numbers, and places of employment of the spouses and
124 children of such persons; and the names and locations of schools
125 and day care facilities attended by the children of such persons
126 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
127 Constitution, if the guardian ad litem provides a written
128 statement that the guardian ad litem has made reasonable efforts
129 to protect such information from being accessible through other
130 means available to the public. This sub-subparagraph is subject
131 to the Open Government Sunset Review Act in accordance with s.
132 119.15 and shall stand repealed on October 2, 2015, unless
133 reviewed and saved from repeal through reenactment by the
134 Legislature.

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

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150 and shall stand repealed on October 2, 2011, unless reviewed and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

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

165 2. An agency that is the custodian of the information
166 specified in subparagraph 1. and that is not the employer of the
167 officer, employee, justice, judge, or other person specified in
168 subparagraph 1. shall maintain the exempt status of that
169 information only if the officer, employee, justice, judge, other
170 person, or employing agency of the designated employee submits a
171 written request for maintenance of the exemption to the
172 custodial agency.

173 Section 2. (1) The Legislature finds that it is a public
174 necessity to exempt specified personal information relating to

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175 active or former law enforcement personnel, including
176 correctional and correctional probation officers, personnel of
177 the Department of Children and Family Services whose duties
178 include the investigation of abuse, neglect, exploitation,
179 fraud, theft, or other criminal activities, personnel of the
180 Department of Health whose duties are to support the
181 investigation of child abuse or neglect, and personnel of the
182 Department of Revenue or local governments whose
183 responsibilities include revenue collection and enforcement or
184 child support enforcement, as well as to their spouses and
185 children, from disclosure under the public-records laws of the
186 state. 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 these employees
196 and their families becoming targets for acts of violence.
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 a public
200 necessity to exempt from disclosure personal information
201 concerning active or former law enforcement personnel, including
202 correctional and correctional probation officers, personnel of
203 the Department of Children and Family Services whose duties

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204 include the investigation of abuse, neglect, exploitation,
205 fraud, theft, or other criminal activities, personnel of the
206 Department of Health whose duties are to support the
207 investigation of child abuse or neglect, and personnel of the
208 Department of Revenue or local governments whose
209 responsibilities include revenue collection and enforcement or
210 child support enforcement as well as the names of the spouses
211 and children of such employees.

212 (2) The Legislature further finds that it is a public
213 necessity to exempt specified personal information relating to
214 current or former firefighters certified in compliance with s.
215 633.35, Florida Statutes, as well as their spouses and children,
216 from disclosure under the public-records laws of the state. In
217 the course of their occupational duties, firefighters become
218 involved in highly emotionally charged situations in which
219 deaths or significant property damage may occur. An individual
220 involved in such a situation may associate the firefighters with
221 the situation if the outcome is negative, and may even blame the
222 firefighters for such an outcome. Firefighters may also become
223 involved in criminal arson investigations, the targets of which
224 may become disgruntled by the firefighters' role in legal
225 proceedings begun against them. This could result in these
226 firefighters and their families becoming targets for acts of
227 violence. Disclosure of the information protected by the public-
228 records exemption in this act would jeopardize the safety of
229 these firefighters and their families. Therefore, it is a public
230 necessity to exempt from disclosure the home addresses,
231 telephone numbers, social security numbers, and photographs of
232 current or former firefighters certified in compliance with s.

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233 633.35, Florida Statutes; the names, home addresses, telephone
234 numbers, social security numbers, photographs, and places of
235 employment of the spouses and children of such firefighters; and
236 the names and locations of schools and day care facilities
237 attended by the children of such firefighters.

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