



344692

LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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04/16/2013 12:19 PM

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Senator Hays moved the following:

Senate Amendment (with title amendment)

Delete lines 75 - 245

and insert:

d. (I) The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools



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14 and day care facilities attended by the children of current or
15 former state attorneys, assistant state attorneys, statewide
16 prosecutors, or assistant statewide prosecutors are exempt from
17 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

18 (II) The names of the spouses and children of current or
19 former state attorneys, assistant state attorneys, statewide
20 prosecutors, or assistant statewide prosecutors are exempt from
21 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

22 (III) Sub-sub-subparagraph d.(II) is subject to the Open
23 Government Sunset Review Act in accordance with s. 119.15, and
24 shall stand repealed on October 2, 2018, unless reviewed and
25 saved from repeal through reenactment by the Legislature.

26 e. The home addresses, dates of birth, and telephone
27 numbers of general magistrates, special magistrates, judges of
28 compensation claims, administrative law judges of the Division
29 of Administrative Hearings, and child support enforcement
30 hearing officers; the home addresses, telephone numbers, dates
31 of birth, and places of employment of the spouses and children
32 of general magistrates, special magistrates, judges of
33 compensation claims, administrative law judges of the Division
34 of Administrative Hearings, and child support enforcement
35 hearing officers; and the names and locations of schools and day
36 care facilities attended by the children of general magistrates,
37 special magistrates, judges of compensation claims,
38 administrative law judges of the Division of Administrative
39 Hearings, and child support enforcement hearing officers are
40 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
41 Constitution if the general magistrate, special magistrate,
42 judge of compensation claims, administrative law judge of the



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43 Division of Administrative Hearings, or child support hearing
44 officer provides a written statement that the general
45 magistrate, special magistrate, judge of compensation claims,
46 administrative law judge of the Division of Administrative
47 Hearings, or child support hearing officer has made reasonable
48 efforts to protect such information from being accessible
49 through other means available to the public.

50 f. The home addresses, telephone numbers, dates of birth,
51 and photographs of current or former human resource, labor
52 relations, or employee relations directors, assistant directors,
53 managers, or assistant managers of any local government agency
54 or water management district whose duties include hiring and
55 firing employees, labor contract negotiation, administration, or
56 other personnel-related duties; the names, home addresses,
57 telephone numbers, dates of birth, and places of employment of
58 the spouses and children of such personnel; and the names and
59 locations of schools and day care facilities attended by the
60 children of such personnel are exempt from s. 119.07(1) and s.
61 24(a), Art. I of the State Constitution.

62 g. The home addresses, telephone numbers, dates of birth,
63 and photographs of current or former code enforcement officers;
64 the names, home addresses, telephone numbers, dates of birth,
65 and places of employment of the spouses and children of such
66 personnel; and the names and locations of schools and day care
67 facilities attended by the children of such personnel are exempt
68 from s. 119.07(1) and s. 24(a), Art. I of the State
69 Constitution.

70 h. The home addresses, telephone numbers, places of
71 employment, dates of birth, and photographs of current or former



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72 guardians ad litem, as defined in s. 39.820; the names, home
73 addresses, telephone numbers, dates of birth, and places of
74 employment of the spouses and children of such persons; and the
75 names and locations of schools and day care facilities attended
76 by the children of such persons are exempt from s. 119.07(1) and
77 s. 24(a), Art. I of the State Constitution, if the guardian ad
78 litem provides a written statement that the guardian ad litem
79 has made reasonable efforts to protect such information from
80 being accessible through other means available to the public.

81 i. The home addresses, telephone numbers, dates of birth,
82 and photographs of current or former juvenile probation
83 officers, juvenile probation supervisors, detention
84 superintendents, assistant detention superintendents, juvenile
85 justice detention officers I and II, juvenile justice detention
86 officer supervisors, juvenile justice residential officers,
87 juvenile justice residential officer supervisors I and II,
88 juvenile justice counselors, juvenile justice counselor
89 supervisors, human services counselor administrators, senior
90 human services counselor administrators, rehabilitation
91 therapists, and social services counselors of the Department of
92 Juvenile Justice; the names, home addresses, telephone numbers,
93 dates of birth, and places of employment of spouses and children
94 of such personnel; and the names and locations of schools and
95 day care facilities attended by the children of such personnel
96 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
97 Constitution.

98 j. The home addresses, telephone numbers, dates of birth,
99 and photographs of current or former public defenders, assistant
100 public defenders, criminal conflict and civil regional counsel,



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101 and assistant criminal conflict and civil regional counsel; the
102 home addresses, telephone numbers, dates of birth, and places of
103 employment of the spouses and children of such defenders or
104 counsel; and the names and locations of schools and day care
105 facilities attended by the children of such defenders or counsel
106 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
107 Constitution.

108 k. The home addresses, telephone numbers, and photographs
109 of current or former investigators or inspectors of the
110 Department of Business and Professional Regulation; the names,
111 home addresses, telephone numbers, and places of employment of
112 the spouses and children of such current or former investigators
113 and inspectors; and the names and locations of schools and day
114 care facilities attended by the children of such current or
115 former investigators and inspectors are exempt from s. 119.07(1)
116 and s. 24(a), Art. I of the State Constitution if the
117 investigator or inspector has made reasonable efforts to protect
118 such information from being accessible through other means
119 available to the public. This sub-subparagraph is subject to the
120 Open Government Sunset Review Act in accordance with s. 119.15
121 and shall stand repealed on October 2, 2017, unless reviewed and
122 saved from repeal through reenactment by the Legislature.

123 l. The home addresses and telephone numbers of county tax
124 collectors; the names, home addresses, telephone numbers, and
125 places of employment of the spouses and children of such tax
126 collectors; and the names and locations of schools and day care
127 facilities attended by the children of such tax collectors are
128 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
129 Constitution if the county tax collector has made reasonable



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130 efforts to protect such information from being accessible
131 through other means available to the public. This sub-
132 subparagraph is subject to the Open Government Sunset Review Act
133 in accordance with s. 119.15 and shall stand repealed on October
134 2, 2017, unless reviewed and saved from repeal through
135 reenactment by the Legislature.

136 3. An agency that is the custodian of the information
137 specified in subparagraph 2. and that is not the employer of the
138 officer, employee, justice, judge, or other person specified in
139 subparagraph 2. shall maintain the exempt status of that
140 information only if the officer, employee, justice, judge, other
141 person, or employing agency of the designated employee submits a
142 written request for maintenance of the exemption to the
143 custodial agency.

144 4. The exemptions in this paragraph apply to information
145 held by an agency before, on, or after the effective date of the
146 exemption.

147 5. This paragraph is subject to the Open Government Sunset
148 Review Act in accordance with s. 119.15, and shall stand
149 repealed on October 2, 2017, unless reviewed and saved from
150 repeal through reenactment by the Legislature.

151 Section 2. (1) The Legislature finds that it is a public
152 necessity that the names of the spouses and children of active
153 or former sworn or civilian law enforcement personnel be made
154 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
155 Article I of the State Constitution. Sworn and civilian law
156 enforcement personnel in this state perform a variety of
157 important duties that ensure public safety and welfare and
158 encourage safe and civil communities. Correctional and



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159 correctional probation officers work with felons, many of whom
160 have committed violent crimes. Personnel of the Department of
161 Children and Families whose duties include the investigation of
162 abuse, neglect, exploitation, fraud, theft, or other criminal
163 activities, and personnel of the Department of Health, work with
164 individuals who may be a danger to their own children and
165 families, as well as the children of others. Personnel of the
166 Department of Revenue or local governments whose
167 responsibilities include revenue collection and enforcement or
168 child support enforcement investigate and bring enforcement
169 actions against individuals who have failed to pay their lawful
170 taxes or failed to pay to support their children. As a result of
171 their duties, these sworn and civilian law enforcement personnel
172 often come in close contact with individuals who not only may be
173 a threat to these personnel, but who might seek to take revenge
174 against them by harming their spouses and children. Permitting
175 access to the names of the spouses and children of active or
176 former sworn or civilian law enforcement personnel provides a
177 means by which individuals who have been investigated, arrested,
178 interrogated, or incarcerated can identify and cause physical or
179 emotional harm to these spouses and children. The Legislature
180 therefore finds that the harm that may result from the release
181 of the names of spouses and children of such law enforcement
182 personnel outweighs any public benefit that may be derived from
183 the disclosure of the information.

184 (2) The Legislature finds that it is a public necessity
185 that the names of the spouses and children of current or former
186 state attorneys, assistant state attorneys, statewide
187 prosecutors, and assistant statewide prosecutors be made exempt



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188 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
189 the State Constitution. State attorneys, assistant state
190 attorneys, statewide prosecutors, and assistant statewide
191 prosecutors prosecute individuals who are considered dangerous
192 and violent. Permitting access to the names of the spouses and
193 children of current or former state attorneys, assistant state
194 attorneys, statewide prosecutors, and assistant statewide
195 prosecutors provides a means by which a criminal defendant or a
196 friend or family member of such defendant could harm or threaten
197 with harm these spouses and children. The Legislature therefore
198 finds that the harm that may result from the release of the
199 names of spouses and children of such attorneys and prosecutors
200 outweighs any public benefit that may be derived from the
201 disclosure of the information.

202
203 ===== T I T L E A M E N D M E N T =====

204 And the title is amended as follows:

205 Delete line 19

206 and insert:

207 necessity; creating an exemption from public records
208 requirements for the names of the spouses and children
209 of current or former state attorneys, assistant state
210 attorneys, statewide prosecutors, and assistant
211 statewide prosecutors; providing for future review and
212 repeal of the exemption under the Open Government
213 Sunset Review Act; providing a statement of necessity;
214 providing an effective date.