

By Senator Hays

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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 an exemption from public
4 records requirements for the names of the spouses and
5 children of active or former sworn or civilian law
6 enforcement personnel, including children and spouses
7 of correctional and correctional probation officers,
8 personnel of the Department of Children and Families
9 whose duties include the investigation of abuse,
10 neglect, exploitation, fraud, theft, or other criminal
11 activities, personnel of the Department of Health
12 whose duties are to support the investigation of child
13 abuse or neglect, and personnel of the Department of
14 Revenue or local governments whose responsibilities
15 include revenue collection and enforcement or child
16 support enforcement; providing for future review and
17 repeal of the exemption under the Open Government
18 Sunset Review Act; providing a statement of public
19 necessity; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Paragraph (d) of subsection (4) of section
24 119.071, Florida Statutes, is amended to read:

25 119.071 General exemptions from inspection or copying of
26 public records.—

27 (4) AGENCY PERSONNEL INFORMATION.—

28 (d)1. For purposes of this paragraph, the term "telephone
29 numbers" includes home telephone numbers, personal cellular

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30 telephone numbers, personal pager telephone numbers, and
31 telephone numbers associated with personal communications
32 devices.

33 2.a. (I) The home addresses, telephone numbers, social
34 security numbers, dates of birth, and photographs of active or
35 former sworn or civilian law enforcement personnel, including
36 correctional and correctional probation officers, personnel of
37 the Department of Children and Families ~~Family Services~~ whose
38 duties include the investigation of abuse, neglect,
39 exploitation, fraud, theft, or other criminal activities,
40 personnel of the Department of Health whose duties are to
41 support the investigation of child abuse or neglect, and
42 personnel of the Department of Revenue or local governments
43 whose responsibilities include revenue collection and
44 enforcement or child support enforcement; the home addresses,
45 telephone numbers, social security numbers, photographs, dates
46 of birth, and places of employment of the spouses and children
47 of such personnel; and the names and locations of schools and
48 day care facilities attended by the children of such personnel
49 are exempt from s. 119.07(1).

50 (II) The names of the spouses and children of active or
51 former sworn or civilian law enforcement personnel identified in
52 sub-sub-subparagraph a.(I) are exempt from s. 119.07(1) and s.
53 24(a), Art. I of the State Constitution.

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

58 b. The home addresses, telephone numbers, dates of birth,

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59 and photographs of firefighters certified in compliance with s.
60 633.35; the home addresses, telephone numbers, photographs,
61 dates of birth, and places of employment of the spouses and
62 children of such firefighters; and the names and locations of
63 schools and day care facilities attended by the children of such
64 firefighters are exempt from s. 119.07(1).

65 c. The home addresses, dates of birth, and telephone
66 numbers of current or former justices of the Supreme Court,
67 district court of appeal judges, circuit court judges, and
68 county court judges; the home addresses, telephone numbers,
69 dates of birth, and places of employment of the spouses and
70 children of current or former justices and judges; and the names
71 and locations of schools and day care facilities attended by the
72 children of current or former justices and judges are exempt
73 from s. 119.07(1).

74 d. The home addresses, telephone numbers, social security
75 numbers, dates of birth, and photographs of current or former
76 state attorneys, assistant state attorneys, statewide
77 prosecutors, or assistant statewide prosecutors; the home
78 addresses, telephone numbers, social security numbers,
79 photographs, dates of birth, and places of employment of the
80 spouses and children of current or former state attorneys,
81 assistant state attorneys, statewide prosecutors, or assistant
82 statewide prosecutors; and the names and locations of schools
83 and day care facilities attended by the children of current or
84 former state attorneys, assistant state attorneys, statewide
85 prosecutors, or assistant statewide prosecutors are exempt from
86 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

87 e. The home addresses, dates of birth, and telephone

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88 numbers of general magistrates, special magistrates, judges of
89 compensation claims, administrative law judges of the Division
90 of Administrative Hearings, and child support enforcement
91 hearing officers; the home addresses, telephone numbers, dates
92 of birth, and places of employment of the spouses and children
93 of general magistrates, special magistrates, judges of
94 compensation claims, administrative law judges of the Division
95 of Administrative Hearings, and child support enforcement
96 hearing officers; and the names and locations of schools and day
97 care facilities attended by the children of general magistrates,
98 special magistrates, judges of compensation claims,
99 administrative law judges of the Division of Administrative
100 Hearings, and child support enforcement hearing officers are
101 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
102 Constitution if the general magistrate, special magistrate,
103 judge of compensation claims, administrative law judge of the
104 Division of Administrative Hearings, or child support hearing
105 officer provides a written statement that the general
106 magistrate, special magistrate, judge of compensation claims,
107 administrative law judge of the Division of Administrative
108 Hearings, or child support hearing officer has made reasonable
109 efforts to protect such information from being accessible
110 through other means available to the public.

111 f. The home addresses, telephone numbers, dates of birth,
112 and photographs of current or former human resource, labor
113 relations, or employee relations directors, assistant directors,
114 managers, or assistant managers of any local government agency
115 or water management district whose duties include hiring and
116 firing employees, labor contract negotiation, administration, or

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117 other personnel-related duties; the names, home addresses,
118 telephone numbers, dates of birth, and places of employment of
119 the spouses and children of such personnel; and the names and
120 locations of schools and day care facilities attended by the
121 children of such personnel are exempt from s. 119.07(1) and s.
122 24(a), Art. I of the State Constitution.

123 g. The home addresses, telephone numbers, dates of birth,
124 and photographs of current or former code enforcement officers;
125 the names, home addresses, telephone numbers, dates of birth,
126 and places of employment of the spouses and children of such
127 personnel; and the names and locations of schools and day care
128 facilities attended by the children of such personnel are exempt
129 from s. 119.07(1) and s. 24(a), Art. I of the State
130 Constitution.

131 h. The home addresses, telephone numbers, places of
132 employment, dates of birth, and photographs of current or former
133 guardians ad litem, as defined in s. 39.820; the names, home
134 addresses, telephone numbers, dates of birth, and places of
135 employment of the spouses and children of such persons; and the
136 names and locations of schools and day care facilities attended
137 by the children of such persons are exempt from s. 119.07(1) and
138 s. 24(a), Art. I of the State Constitution, if the guardian ad
139 litem provides a written statement that the guardian ad litem
140 has made reasonable efforts to protect such information from
141 being accessible through other means available to the public.

142 i. The home addresses, telephone numbers, dates of birth,
143 and photographs of current or former juvenile probation
144 officers, juvenile probation supervisors, detention
145 superintendents, assistant detention superintendents, juvenile

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146 justice detention officers I and II, juvenile justice detention
147 officer supervisors, juvenile justice residential officers,
148 juvenile justice residential officer supervisors I and II,
149 juvenile justice counselors, juvenile justice counselor
150 supervisors, human services counselor administrators, senior
151 human services counselor administrators, rehabilitation
152 therapists, and social services counselors of the Department of
153 Juvenile Justice; the names, home addresses, telephone numbers,
154 dates of birth, and places of employment of spouses and children
155 of such personnel; and the names and locations of schools and
156 day care facilities attended by the children of such personnel
157 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
158 Constitution.

159 j. The home addresses, telephone numbers, dates of birth,
160 and photographs of current or former public defenders, assistant
161 public defenders, criminal conflict and civil regional counsel,
162 and assistant criminal conflict and civil regional counsel; the
163 home addresses, telephone numbers, dates of birth, and places of
164 employment of the spouses and children of such defenders or
165 counsel; and the names and locations of schools and day care
166 facilities attended by the children of such defenders or counsel
167 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
168 Constitution.

169 k. The home addresses, telephone numbers, and photographs
170 of current or former investigators or inspectors of the
171 Department of Business and Professional Regulation; the names,
172 home addresses, telephone numbers, and places of employment of
173 the spouses and children of such current or former investigators
174 and inspectors; and the names and locations of schools and day

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175 care facilities attended by the children of such current or
176 former investigators and inspectors are exempt from s. 119.07(1)
177 and s. 24(a), Art. I of the State Constitution if the
178 investigator or inspector has made reasonable efforts to protect
179 such information from being accessible through other means
180 available to the public. This sub-subparagraph is subject to the
181 Open Government Sunset Review Act in accordance with s. 119.15
182 and shall stand repealed on October 2, 2017, unless reviewed and
183 saved from repeal through reenactment by the Legislature.

184 1. The home addresses and telephone numbers of county tax
185 collectors; the names, home addresses, telephone numbers, and
186 places of employment of the spouses and children of such tax
187 collectors; and the names and locations of schools and day care
188 facilities attended by the children of such tax collectors are
189 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
190 Constitution if the county tax collector has made reasonable
191 efforts to protect such information from being accessible
192 through other means available to the public. This sub-
193 subparagraph is subject to the Open Government Sunset Review Act
194 in accordance with s. 119.15 and shall stand repealed on October
195 2, 2017, unless reviewed and saved from repeal through
196 reenactment by the Legislature.

197 3. An agency that is the custodian of the information
198 specified in subparagraph 2. and that is not the employer of the
199 officer, employee, justice, judge, or other person specified in
200 subparagraph 2. shall maintain the exempt status of that
201 information only if the officer, employee, justice, judge, other
202 person, or employing agency of the designated employee submits a
203 written request for maintenance of the exemption to the

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204 custodial agency.

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

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

212 Section 2. The Legislature finds that it is a public
213 necessity that the names of the spouses and children of active
214 or former sworn or civilian law enforcement personnel be exempt
215 from s. 119.07(1) and s. 24(a), Art. I of the State
216 Constitution. Sworn and civilian law enforcement personnel in
217 this state perform a variety of important duties that ensure
218 public safety and welfare and encourage safe and civil
219 communities. Correctional and correctional probation officers
220 work with felons, many of whom have committed violent crimes.
221 Personnel of the Department of Children and Families whose
222 duties include the investigation of abuse, neglect,
223 exploitation, fraud, theft, or other criminal activities, and
224 personnel of the Department of Health, work with individuals who
225 may be a danger to their own children and families, as well as
226 the children of others. Personnel of the Department of Revenue
227 or local governments whose responsibilities include revenue
228 collection and enforcement or child support enforcement
229 investigate and bring enforcement actions against individuals
230 who have failed to pay their lawful taxes or failed to pay to
231 support their children. As a result of their duties, these sworn
232 and civilian law enforcement personnel often come in close

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233 contact with individuals who not only may be a threat to these
234 personnel, but who might seek to take revenge against them by
235 harming their spouses and children. Permitting access to the
236 names of spouses and children of active or former sworn or
237 civilian law enforcement personnel provides a means by which
238 individuals who have been investigated, arrested, interrogated,
239 or incarcerated can identify and cause physical or emotional
240 harm to these spouses and children. The Legislature therefore
241 finds that the harm that may result from the release of the
242 names of spouses and children of such law enforcement personnel
243 outweighs any public benefit that may be derived from the
244 disclosure of the information.

245 Section 3. This act shall take effect October 1, 2013.