

By the Committee on Rules; and 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:

22  
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 and the other  
52 specified agency personnel identified in sub-sub-subparagraph  
53 a.(I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the  
54 State Constitution.

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57 shall stand repealed on October 2, 2018, unless reviewed and  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

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

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

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

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

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

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117 firing employees, labor contract negotiation, administration, or  
118 other personnel-related duties; the names, home addresses,  
119 telephone numbers, dates of birth, and places of employment of  
120 the spouses and children of such personnel; and the names and  
121 locations of schools and day care facilities attended by the  
122 children of such personnel are exempt from s. 119.07(1) and s.  
123 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

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

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

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

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204 written request for maintenance of the exemption to the  
205 custodial agency.

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

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

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



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

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