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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; creating an exemption from public records  
20          requirements for the names of the spouses and children  
21          of current or former state attorneys, assistant state  
22          attorneys, statewide prosecutors, and assistant  
23          statewide prosecutors; providing for future review and  
24          repeal of the exemption under the Open Government  
25          Sunset Review Act; providing a statement of necessity;  
26          providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Paragraph (d) of subsection (4) of section  
31 119.071, Florida Statutes, is amended to read:

32 119.071 General exemptions from inspection or copying of  
33 public records.—

34 (4) AGENCY PERSONNEL INFORMATION.—

35 (d)1. For purposes of this paragraph, the term "telephone  
36 numbers" includes home telephone numbers, personal cellular  
37 telephone numbers, personal pager telephone numbers, and  
38 telephone numbers associated with personal communications  
39 devices.

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

57 (II) The names of the spouses and children of active or  
58 former sworn or civilian law enforcement personnel and the other

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59 specified agency personnel identified in sub-sub-subparagraph  
60 a.(I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the  
61 State Constitution.

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

66 b. The home addresses, telephone numbers, dates of birth,  
67 and photographs of firefighters certified in compliance with s.  
68 633.35; the home addresses, telephone numbers, photographs,  
69 dates of birth, and places of employment of the spouses and  
70 children of such firefighters; and the names and locations of  
71 schools and day care facilities attended by the children of such  
72 firefighters are exempt from s. 119.07(1).

73 c. The home addresses, dates of birth, and telephone  
74 numbers of current or former justices of the Supreme Court,  
75 district court of appeal judges, circuit court judges, and  
76 county court judges; the home addresses, telephone numbers,  
77 dates of birth, and places of employment of the spouses and  
78 children of current or former justices and judges; and the names  
79 and locations of schools and day care facilities attended by the  
80 children of current or former justices and judges are exempt  
81 from s. 119.07(1).

82 d.(I) The home addresses, telephone numbers, social  
83 security numbers, dates of birth, and photographs of current or  
84 former state attorneys, assistant state attorneys, statewide  
85 prosecutors, or assistant statewide prosecutors; the home  
86 addresses, telephone numbers, social security numbers,  
87 photographs, dates of birth, and places of employment of the

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88 spouses and children of current or former state attorneys,  
89 assistant state attorneys, statewide prosecutors, or assistant  
90 statewide prosecutors; and the names and locations of schools  
91 and day care facilities attended by the children of current or  
92 former state attorneys, assistant state attorneys, statewide  
93 prosecutors, or assistant statewide prosecutors are exempt from  
94 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

103 e. The home addresses, dates of birth, and telephone  
104 numbers of general magistrates, special magistrates, judges of  
105 compensation claims, administrative law judges of the Division  
106 of Administrative Hearings, and child support enforcement  
107 hearing officers; the home addresses, telephone numbers, dates  
108 of birth, and places of employment of the spouses and children  
109 of general magistrates, special magistrates, judges of  
110 compensation claims, administrative law judges of the Division  
111 of Administrative Hearings, and child support enforcement  
112 hearing officers; and the names and locations of schools and day  
113 care facilities attended by the children of general magistrates,  
114 special magistrates, judges of compensation claims,  
115 administrative law judges of the Division of Administrative  
116 Hearings, and child support enforcement hearing officers are

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117 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
118 Constitution if the general magistrate, special magistrate,  
119 judge of compensation claims, administrative law judge of the  
120 Division of Administrative Hearings, or child support hearing  
121 officer provides a written statement that the general  
122 magistrate, special magistrate, judge of compensation claims,  
123 administrative law judge of the Division of Administrative  
124 Hearings, or child support hearing officer has made reasonable  
125 efforts to protect such information from being accessible  
126 through other means available to the public.

127 f. The home addresses, telephone numbers, dates of birth,  
128 and photographs of current or former human resource, labor  
129 relations, or employee relations directors, assistant directors,  
130 managers, or assistant managers of any local government agency  
131 or water management district whose duties include hiring and  
132 firing employees, labor contract negotiation, administration, or  
133 other personnel-related duties; the names, home addresses,  
134 telephone numbers, dates of birth, and places of employment of  
135 the spouses and children of such personnel; and the names and  
136 locations of schools and day care facilities attended by the  
137 children of such personnel are exempt from s. 119.07(1) and s.  
138 24(a), Art. I of the State Constitution.

139 g. The home addresses, telephone numbers, dates of birth,  
140 and photographs of current or former code enforcement officers;  
141 the names, home addresses, telephone numbers, dates of birth,  
142 and places of employment of the spouses and children of such  
143 personnel; and the names and locations of schools and day care  
144 facilities attended by the children of such personnel are exempt  
145 from s. 119.07(1) and s. 24(a), Art. I of the State

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146 Constitution.

147 h. The home addresses, telephone numbers, places of  
148 employment, dates of birth, and photographs of current or former  
149 guardians ad litem, as defined in s. 39.820; the names, home  
150 addresses, telephone numbers, dates of birth, and places of  
151 employment of the spouses and children of such persons; and the  
152 names and locations of schools and day care facilities attended  
153 by the children of such persons are exempt from s. 119.07(1) and  
154 s. 24(a), Art. I of the State Constitution, if the guardian ad  
155 litem provides a written statement that the guardian ad litem  
156 has made reasonable efforts to protect such information from  
157 being accessible through other means available to the public.

158 i. The home addresses, telephone numbers, dates of birth,  
159 and photographs of current or former juvenile probation  
160 officers, juvenile probation supervisors, detention  
161 superintendents, assistant detention superintendents, juvenile  
162 justice detention officers I and II, juvenile justice detention  
163 officer supervisors, juvenile justice residential officers,  
164 juvenile justice residential officer supervisors I and II,  
165 juvenile justice counselors, juvenile justice counselor  
166 supervisors, human services counselor administrators, senior  
167 human services counselor administrators, rehabilitation  
168 therapists, and social services counselors of the Department of  
169 Juvenile Justice; the names, home addresses, telephone numbers,  
170 dates of birth, and places of employment of spouses and children  
171 of such personnel; and the names and locations of schools and  
172 day care facilities attended by the children of such personnel  
173 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
174 Constitution.

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175           j. The home addresses, telephone numbers, dates of birth,  
176 and photographs of current or former public defenders, assistant  
177 public defenders, criminal conflict and civil regional counsel,  
178 and assistant criminal conflict and civil regional counsel; the  
179 home addresses, telephone numbers, dates of birth, and places of  
180 employment of the spouses and children of such defenders or  
181 counsel; and the names and locations of schools and day care  
182 facilities attended by the children of such defenders or counsel  
183 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
184 Constitution.

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

200           l. The home addresses and telephone numbers of county tax  
201 collectors; the names, home addresses, telephone numbers, and  
202 places of employment of the spouses and children of such tax  
203 collectors; and the names and locations of schools and day care

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204 facilities attended by the children of such tax collectors are  
205 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
206 Constitution if the county tax collector has made reasonable  
207 efforts to protect such information from being accessible  
208 through other means available to the public. This sub-  
209 subparagraph is subject to the Open Government Sunset Review Act  
210 in accordance with s. 119.15 and shall stand repealed on October  
211 2, 2017, unless reviewed and saved from repeal through  
212 reenactment by the Legislature.

213 3. An agency that is the custodian of the information  
214 specified in subparagraph 2. and that is not the employer of the  
215 officer, employee, justice, judge, or other person specified in  
216 subparagraph 2. shall maintain the exempt status of that  
217 information only if the officer, employee, justice, judge, other  
218 person, or employing agency of the designated employee submits a  
219 written request for maintenance of the exemption to the  
220 custodial agency.

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

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

228 Section 2. (1) The Legislature finds that it is a public  
229 necessity that the names of the spouses and children of active  
230 or former sworn or civilian law enforcement personnel be made  
231 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
232 Article I of the State Constitution. Sworn and civilian law



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233 enforcement personnel in this state perform a variety of  
234 important duties that ensure public safety and welfare and  
235 encourage safe and civil communities. Correctional and  
236 correctional probation officers work with felons, many of whom  
237 have committed violent crimes. Personnel of the Department of  
238 Children and Families whose duties include the investigation of  
239 abuse, neglect, exploitation, fraud, theft, or other criminal  
240 activities, and personnel of the Department of Health, work with  
241 individuals who may be a danger to their own children and  
242 families, as well as the children of others. Personnel of the  
243 Department of Revenue or local governments whose  
244 responsibilities include revenue collection and enforcement or  
245 child support enforcement investigate and bring enforcement  
246 actions against individuals who have failed to pay their lawful  
247 taxes or failed to pay to support their children. As a result of  
248 their duties, these sworn and civilian law enforcement personnel  
249 often come in close contact with individuals who not only may be  
250 a threat to these personnel, but who might seek to take revenge  
251 against them by harming their spouses and children. Permitting  
252 access to the names of the spouses and children of active or  
253 former sworn or civilian law enforcement personnel provides a  
254 means by which individuals who have been investigated, arrested,  
255 interrogated, or incarcerated can identify and cause physical or  
256 emotional harm to these spouses and children. The Legislature  
257 therefore finds that the harm that may result from the release  
258 of the names of spouses and children of such law enforcement  
259 personnel outweighs any public benefit that may be derived from  
260 the disclosure of the information.

261 (2) The Legislature finds that it is a public necessity

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262 that the names of the spouses and children of current or former  
263 state attorneys, assistant state attorneys, statewide  
264 prosecutors, and assistant statewide prosecutors be made exempt  
265 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
266 the State Constitution. State attorneys, assistant state  
267 attorneys, statewide prosecutors, and assistant statewide  
268 prosecutors prosecute individuals who are considered dangerous  
269 and violent. Permitting access to the names of the spouses and  
270 children of current or former state attorneys, assistant state  
271 attorneys, statewide prosecutors, and assistant statewide  
272 prosecutors provides a means by which a criminal defendant or a  
273 friend or family member of such defendant could harm or threaten  
274 with harm these spouses and children. The Legislature therefore  
275 finds that the harm that may result from the release of the  
276 names of spouses and children of such attorneys and prosecutors  
277 outweighs any public benefit that may be derived from the  
278 disclosure of the information.

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