

By the Committee on Criminal Justice; and Senator Joyner

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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 current or former public defenders,
6 assistant public defenders, criminal conflict and
7 civil regional counsel, and assistant criminal
8 conflict and civil regional counsel; providing for
9 future review and repeal of the exemption; providing a
10 statement of necessity; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Paragraph (d) of subsection (4) of section
15 119.071, Florida Statutes, is amended to read:

16 119.071 General exemptions from inspection or copying of
17 public records.—

18 (4) AGENCY PERSONNEL INFORMATION.—

19 (d)1. For purposes of this paragraph, the term "telephone
20 numbers" includes home telephone numbers, personal cellular
21 telephone numbers, personal pager telephone numbers, and
22 telephone numbers associated with personal communications
23 devices.

24 2.a.(I) The home addresses, telephone numbers, social
25 security numbers, dates of birth, and photographs of active or
26 former sworn or civilian law enforcement personnel, including
27 correctional and correctional probation officers, personnel of
28 the Department of Children and Families whose duties include the
29 investigation of abuse, neglect, exploitation, fraud, theft, or

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30 other criminal activities, personnel of the Department of Health
31 whose duties are to support the investigation of child abuse or
32 neglect, and personnel of the Department of Revenue or local
33 governments whose responsibilities include revenue collection
34 and enforcement or child support enforcement; the home
35 addresses, telephone numbers, social security numbers,
36 photographs, dates of birth, and places of employment of the
37 spouses and children of such personnel; and the names and
38 locations of schools and day care facilities attended by the
39 children of such personnel are exempt from s. 119.07(1).

40 (II) The names of the spouses and children of active or
41 former sworn or civilian law enforcement personnel and the other
42 specified agency personnel identified in sub-sub-subparagraph
43 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
44 State Constitution.

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

49 b. The home addresses, telephone numbers, dates of birth,
50 and photographs of firefighters certified in compliance with s.
51 633.408; the home addresses, telephone numbers, photographs,
52 dates of birth, and places of employment of the spouses and
53 children of such firefighters; and the names and locations of
54 schools and day care facilities attended by the children of such
55 firefighters are exempt from s. 119.07(1).

56 c. The home addresses, dates of birth, and telephone
57 numbers of current or former justices of the Supreme Court,
58 district court of appeal judges, circuit court judges, and

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59 county court judges; the home addresses, telephone numbers,
60 dates of birth, and places of employment of the spouses and
61 children of current or former justices and judges; and the names
62 and locations of schools and day care facilities attended by the
63 children of current or former justices and judges are exempt
64 from s. 119.07(1).

65 d.(I) The home addresses, telephone numbers, social
66 security numbers, dates of birth, and photographs of current or
67 former state attorneys, assistant state attorneys, statewide
68 prosecutors, or assistant statewide prosecutors; the home
69 addresses, telephone numbers, social security numbers,
70 photographs, dates of birth, and places of employment of the
71 spouses and children of current or former state attorneys,
72 assistant state attorneys, statewide prosecutors, or assistant
73 statewide prosecutors; and the names and locations of schools
74 and day care facilities attended by the children of current or
75 former state attorneys, assistant state attorneys, statewide
76 prosecutors, or assistant statewide prosecutors are exempt from
77 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

86 e. The home addresses, dates of birth, and telephone
87 numbers of general magistrates, special magistrates, judges of

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

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

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

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

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

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

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

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

168 (II) The names of the spouses and children of the specified
169 agency personnel identified in sub-sub-subparagraph (I) are
170 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
171 Constitution. This sub-sub-subparagraph is subject to the Open
172 Government Sunset Review Act in accordance with s. 119.15 and
173 shall stand repealed on October 2, 2019, unless reviewed and
174 saved from repeal through reenactment by the Legislature.

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

190 1. The home addresses and telephone numbers of county tax
191 collectors; the names, home addresses, telephone numbers, and
192 places of employment of the spouses and children of such tax
193 collectors; and the names and locations of schools and day care
194 facilities attended by the children of such tax collectors are
195 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
196 Constitution if the county tax collector has made reasonable
197 efforts to protect such information from being accessible
198 through other means available to the public. This sub-
199 subparagraph is subject to the Open Government Sunset Review Act
200 in accordance with s. 119.15 and shall stand repealed on October
201 2, 2017, unless reviewed and saved from repeal through
202 reenactment by the Legislature.

203 3. An agency that is the custodian of the information

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204 specified in subparagraph 2. and that is not the employer of the
205 officer, employee, justice, judge, or other person specified in
206 subparagraph 2. shall maintain the exempt status of that
207 information only if the officer, employee, justice, judge, other
208 person, or employing agency of the designated employee submits a
209 written request for maintenance of the exemption to the
210 custodial agency.

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

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

218 Section 2. The Legislature finds that it is a public
219 necessity that the names of the spouses and children of current
220 or former public defenders, assistant public defenders, criminal
221 conflict and civil regional counsel, and assistant criminal
222 conflict and civil regional counsel be made exempt from s.
223 119.07(1), Florida Statutes, and s. 24(a), Article I of the
224 State Constitution. Public defenders, assistant public
225 defenders, criminal conflict and civil regional counsel, and
226 assistant criminal conflict and civil regional counsel personnel
227 in this state perform a variety of important duties that ensure
228 public safety and welfare and encourage safe and civil
229 communities. These persons work with felons, many of whom have
230 committed violent crimes. As a result of their duties, such
231 personnel often come in close contact with individuals who not
232 only may be a threat to these personnel, but who might seek to

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233 take revenge against them by harming their spouses and children.
234 These attorneys also interact with the victims of crime.
235 Allowing access to the names of the spouses and children of
236 current or former public defenders, assistant public defenders,
237 criminal conflict and civil regional counsel, and assistant
238 criminal conflict and civil regional counsel provides a means by
239 which individuals who have been investigated, arrested,
240 interrogated, or incarcerated can identify and cause physical or
241 emotional harm to these spouses and children. In addition,
242 criminal conflict and civil regional counsel and their
243 assistants provide representation in sensitive civil matters,
244 such as those in which a person's parental rights may be
245 terminated based on allegations of perpetrating abuse and
246 neglect against a child. By providing legal representation in
247 criminal and civil matters, these attorneys provide a valuable
248 service. The Legislature therefore finds that the harm that may
249 result from the release of the names of spouses and children of
250 current or former public defenders, assistant public defenders,
251 criminal conflict and civil regional counsel, and assistant
252 criminal conflict and civil regional counsel outweighs any
253 public benefit that may be derived from the disclosure of the
254 information.

255 Section 3. This act shall take effect October 1, 2014.