

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173 and shall stand repealed on October 2, 2019, unless reviewed and  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

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  
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. Except as otherwise expressly provided in this  
 215 paragraph, this paragraph is subject to the Open Government  
 216 Sunset Review Act in accordance with s. 119.15, and shall stand  
 217 repealed on October 2, 2017, unless reviewed and saved from  
 218 repeal through reenactment by the Legislature.

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

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

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