

CS/SB 312 — Public Records/Public Defenders/Regional Counsel

by Governmental Oversight and Accountability Committee and Senator Jones

Section 119.071(4)(d), F.S., currently provides public-records exemptions for specified personal identifying and locating information of the following current and former agency personnel, as well as for specified personal identifying and locating information of their spouses and children:

- Law enforcement and specified agency investigative personnel;
- Certified firefighters;
- Justices and judges;
- Local and statewide prosecuting attorneys;
- Magistrates, administrative law judges, and child support hearing officers;
- Local government agency and water management district human resources administrators;
- Code enforcement officers;
- Guardians ad litem; and
- Specified Department of Juvenile Justice personnel.

Although there is some inconsistency among the types of information that are exempted, the following information is protected in all of the above-listed exemptions:

- The home addresses and telephone numbers of the agency personnel;
- The home addresses, telephone numbers, and places of employment of the spouses and children of the agency personnel; and
- The names and locations of schools and day care facilities attended by the children of the agency personnel.

Public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are appointed by the courts to represent defendants in criminal cases. Criminal conflict and civil regional counsel also represent clients in matters before the courts involving alleged child abuse, alleged child neglect, and potential termination of parental rights.

Clients of public defenders and criminal conflict and civil regional counsel have a great deal at stake in the outcome of their legal matters, which can lead to violent outbursts. According to the Offices of the Public Defender, past such outbursts have included battery and threats of physical harm.

The bill creates an exemption from the public-records requirements of s. 119.07(1), F.S., and s. 24(a), Art. I, State Constitution for the following information:

- Home addresses, telephone number, and photographs of current or former public defenders, assistant public defenders, criminal conflict and regional counsel, and assistant criminal conflict and regional counsel;

- Home addresses, telephone numbers, and places of employment of the spouses and children of such defenders or counsel; and
- Names and locations of schools and day care facilities attended by the children of such defenders or counsel.

The bill also provides for legislative review and repeal of the exemption under the Open Government Sunset Review Act.

The bill provides a statement of public necessity for the exemption. It justifies the exemption by explaining that disgruntled clients of the public defenders or of the criminal conflict and civil regional counsel could target the defenders, counsel, and their families for acts of violence. The statement concludes that disclosure of the personal information exempted by the bill would jeopardize the safety of such defenders, counsel, and their families.

If approved by the Governor, these provisions take effect July 1, 2010.

Vote: Senate 38-0; House 116-0