



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

26  
27 Be It Enacted by the Legislature of the State of Florida:  
28



29 Section 1. Paragraph (d) of subsection (4) of section  
 30 119.071, Florida Statutes, is amended to read:

31 119.071 General exemptions from inspection or copying of  
 32 public records.—

33 (4) AGENCY PERSONNEL INFORMATION.—

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

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

56 (II) The names of the spouses and children of active or



CS/HB 731, Engrossed 1

2013

57 former sworn or civilian law enforcement personnel and the other  
58 specified agency personnel identified in sub-sub-subparagraph  
59 a.(I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the  
60 State Constitution.

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

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

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

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



85 addresses, telephone numbers, social security numbers,  
86 photographs, dates of birth, and places of employment of the  
87 spouses and children of current or former state attorneys,  
88 assistant state attorneys, statewide prosecutors, or assistant  
89 statewide prosecutors; and the names and locations of schools  
90 and day care facilities attended by the children of current or  
91 former state attorneys, assistant state attorneys, statewide  
92 prosecutors, or assistant statewide prosecutors are exempt from  
93 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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



CS/HB 731, Engrossed 1

2013

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

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

138 g. The home addresses, telephone numbers, dates of birth,  
139 and photographs of current or former code enforcement officers;  
140 the names, home addresses, telephone numbers, dates of birth,



141 and places of employment of the spouses and children of such  
142 personnel; and the names and locations of schools and day care  
143 facilities attended by the children of such personnel are exempt  
144 from s. 119.07(1) and s. 24(a), Art. I of the State  
145 Constitution.

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

157 i. The home addresses, telephone numbers, dates of birth,  
158 and photographs of current or former juvenile probation  
159 officers, juvenile probation supervisors, detention  
160 superintendents, assistant detention superintendents, juvenile  
161 justice detention officers I and II, juvenile justice detention  
162 officer supervisors, juvenile justice residential officers,  
163 juvenile justice residential officer supervisors I and II,  
164 juvenile justice counselors, juvenile justice counselor  
165 supervisors, human services counselor administrators, senior  
166 human services counselor administrators, rehabilitation  
167 therapists, and social services counselors of the Department of  
168 Juvenile Justice; the names, home addresses, telephone numbers,



CS/HB 731, Engrossed 1

2013

169 | dates of birth, and places of employment of spouses and children  
170 | of such personnel; and the names and locations of schools and  
171 | day care facilities attended by the children of such personnel  
172 | are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
173 | Constitution.

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

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



CS/HB 731, Engrossed 1

2013

197 and shall stand repealed on October 2, 2017, unless reviewed and  
198 saved from repeal through reenactment by the Legislature.

199 1. The home addresses and telephone numbers of county tax  
200 collectors; the names, home addresses, telephone numbers, and  
201 places of employment of the spouses and children of such tax  
202 collectors; and the names and locations of schools and day care  
203 facilities attended by the children of such tax collectors are  
204 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
205 Constitution if the county tax collector has made reasonable  
206 efforts to protect such information from being accessible  
207 through other means available to the public. This sub-  
208 subparagraph is subject to the Open Government Sunset Review Act  
209 in accordance with s. 119.15 and shall stand repealed on October  
210 2, 2017, unless reviewed and saved from repeal through  
211 reenactment by the Legislature.

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

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

223 5. This paragraph is subject to the Open Government Sunset  
224 Review Act in accordance with s. 119.15, and shall stand





CS/HB 731, Engrossed 1

2013

225 repealed on October 2, 2017, unless reviewed and saved from  
226 repeal through reenactment by the Legislature.

227       Section 2. (1) The Legislature finds that it is a public  
228 necessity that the names of the spouses and children of active  
229 or former sworn or civilian law enforcement personnel be made  
230 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
231 Article I of the State Constitution. Sworn and civilian law  
232 enforcement personnel in this state perform a variety of  
233 important duties that ensure public safety and welfare and  
234 encourage safe and civil communities. Correctional and  
235 correctional probation officers work with felons, many of whom  
236 have committed violent crimes. Personnel of the Department of  
237 Children and Families whose duties include the investigation of  
238 abuse, neglect, exploitation, fraud, theft, or other criminal  
239 activities, and personnel of the Department of Health, work with  
240 individuals who may be a danger to their own children and  
241 families, as well as the children of others. Personnel of the  
242 Department of Revenue or local governments whose  
243 responsibilities include revenue collection and enforcement or  
244 child support enforcement investigate and bring enforcement  
245 actions against individuals who have failed to pay their lawful  
246 taxes or failed to pay to support their children. As a result of  
247 their duties, these sworn and civilian law enforcement personnel  
248 often come in close contact with individuals who not only may be  
249 a threat to these personnel, but who might seek to take revenge  
250 against them by harming their spouses and children. Permitting  
251 access to the names of the spouses and children of active or  
252 former sworn or civilian law enforcement personnel provides a



253 means by which individuals who have been investigated, arrested,  
254 interrogated, or incarcerated can identify and cause physical or  
255 emotional harm to these spouses and children. The Legislature  
256 therefore finds that the harm that may result from the release  
257 of the names of spouses and children of such law enforcement  
258 personnel outweighs any public benefit that may be derived from  
259 the disclosure of the information.

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

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