



THE STATE OF FLORIDA  
**JUSTICE ADMINISTRATIVE COMMISSION**

227 North Bronough Street, Suite 2100  
Tallahassee, Florida 32301



**Alton L. "Rip" Colvin, Jr.**  
Executive Director

(850) 488-2415  
FAX (850) 488-8944

[www.justiceadmin.org](http://www.justiceadmin.org)

**COMMISSIONERS**

**Diamond R. Litty, Chair**  
*Public Defender, 19<sup>th</sup> Circuit*  
**Kathleen A. Smith**  
*Public Defender, 20<sup>th</sup> Circuit*  
**Brian Haas**  
*State Attorney, 10<sup>th</sup> Circuit*  
**Jack Campbell**  
*State Attorney, 2<sup>nd</sup> Circuit*

**MEMORANDUM HR13-2021**

To: Agency Administrators  
From: Carolyn Horwich, Esq., Director of Human Resources  
Subject: Updated Public Records Exemption Procedures  
Date: August 4, 2021

New Law Regarding Public Records Exemptions

The People First Team at the Department of Management Services ("DMS") recently issued new procedures to implement the requirements of Ch. 2021-215, Laws of Fla. The new law affects public records exemptions. Implementation of this law will be in phases.

The section of the law relevant to this memorandum states:

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. ~~must~~ shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

DMS administers the People First database and is considered the "Custodial Agency" for certain personnel information. If a public records request is made to DMS, it will disclose employee information *unless* it has a statutory basis not to do so.

Old Procedure

Previously, when a Judicial-Related Office ("JRO") hired a new employee, the employee would complete your office's own public records exemption form. The employee could mark on the form any statutory exemptions under Ch. 119, F.S., that might be applicable. If the employee was not eligible for any statutory exemption, the employee would indicate that on the form. Whoever at the JRO's Human Resources ("HR") section had a "U" security role code would then check the appropriate privacy indicator in People First on the "Personal Information" page, if applicable.<sup>1</sup>

When the HR staff person would look at that page, sometimes the "Restricted Position" or "Sworn/Certified" boxes would appear to be already checked. That is because some positions

<sup>1</sup> A screenshot of what this page looks like is attached.

are automatically checked on the “org management” or *position* side of People First.<sup>2</sup> The positions that are “hard coded” for either of those exemptions include State Attorney Investigators and Assistant State Attorneys (“ASA”) as well as Assistant Public Defenders (“APD”). In some cases, an employee would have a privacy indicator checked on the position side of People First, but could also have a box checked on the employee side of People First. An example of this would be an APD (“Restricted Position” hard-coded on the position side) who is the spouse of an Administrative Law Judge (“Restricted Relative” checked by the HR Section on the employee side).<sup>3</sup>

#### New Procedure

Under the new law, JRO HR staff will have to establish a two-step process for new employees. This will be explained in more detail under the “Next Steps” section. Briefly stated, any new hire who asserts entitlement to a statutory public records exemption will be required to submit a notarized request for exemption with a statement under oath attesting to the statutory basis for the exemption to the People First Team (“PFT”) at DMS. The form that must be used for this purpose is the “Public Records Exemption Form” and is attached. This is a significant departure from past practice.

#### Phase One of Implementation

Phase One is more of a “behind the scenes” series of steps being taken by the PFT. As mentioned above, People First has two sides of data: a *position* (org management) side and an *employee* side. During Phase One of the implementation plan, the PFT is auditing the *position* side of the system which is where two of the possible statutory exemptions can be checked: Restricted Position and Sworn/Certified Position. They are directly linked and hard coded to the *position* itself regardless of the employee who fills the position. They are identified by class code.

As part of Phase One, the PFT directed the Justice Administrative Commission (“JAC”) to fill out a spreadsheet with all class codes explicitly identified as “Sworn/Certified” or “Restricted Employee”. The spreadsheet was labeled Appendix B. JAC completed the spreadsheet to the degree possible. JAC could not provide a complete list for the PFT because there are OPS employees who may qualify for one of those two exemptions but do not have a class code. For example, there may be an OPS employee who is serving as an Assistant Public Defender. However, because JAC does not have class codes or job titles for OPS employees, that employee’s position is not identified as “Restricted Employee”. Ideally, if the duties of the position meet the qualification for a public records exemption, the appropriate indicator on the position side in People First should be marked. However, due to the uniqueness of Justice Administration’s structure, having an OPS employee who is covered by a statutory exemption complete the Public Records Exemption Form and submit it directly to People First will suffice. This ensures the appropriate privacy indicator will be checked on the employee side.

Some Offices of the State Attorney and Public Defender have Executive Directors and Administrative Directors who also happen to be ASAs and APDs. However, if they are entered in People First as Executive or Administrative Director, their positions will not be coded on the position side in People First as “Restricted Employee”. For these situations, People First advised that the position exemption applies to the job duties and/or classification of the position, regardless of the type of employee filling the position. Therefore, unless the employees filling the Executive Directors and Administrative Directors positions are ASAs and APDs, they cannot be

---

<sup>2</sup> A screenshot of what this page looks like is attached.

<sup>3</sup> Please note - the examples provided in this memorandum are limited for ease of illustration to State Attorney and Public Defender Offices. The law and new procedures apply to all Judicial-Related Offices.

coded as “Restricted Employee” on the *position* side. However, they may be eligible for an exemption on the *employee* side if they have former job duties/classification that qualify for the exemption.

#### Phase Two of Implementation

Phase Two of this initiative affects the *employee* side of People First and four “Employee Specific” exemptions. During Phase Two, the PFT will audit and confirm whether employees’ privacy indicators checked on the “Personal Information” page are correct. These are the “Employee Specific” exemptions and include previous exempt employment or being the spouse or child of an exempt personnel (e.g., the employee is married to a judge or is a former firefighter).

Each JRO’s Human Resources Director will have the capability to uncheck the “Restricted Relative” and “Protected Identity” boxes if it is determined they are incorrectly checked. Only the PFT has the capability to uncheck “Sworn/Certified” and “Restricted Employee” boxes and will do so on request. (See first item under Next Steps.)

Phase Two has partially begun. For any new “Employee Specific” exemption requests entered in People First on or after July 1, 2021, the employee must complete the Public Records Exemption Form and identify which statutory exemption applies. This form must be emailed directly to the People First Team at [PeopleFirstPRRExemption@dms.fl.gov](mailto:PeopleFirstPRRExemption@dms.fl.gov) within three (3) business days of selecting the indicator in People First. Failure to do so will result in the deletion of any privacy option previously checked. Do not send the form to the Justice Administrative Commission.

#### Next Steps

1. JAC will send you a report with your employees’ current privacy indicators shortly after issuing this memorandum. If corrections are needed, make the ones you can. Review the current privacy indicators your employees have checked. For those you cannot edit, please submit the employee’s name, position number, and desired action to Carolyn Horwich, preferably in an Excel spreadsheet.
2. Give *newly hired employees* your office’s own form listing the possible statutory exemptions. The reason you will still use your own form is because the Public Records Exemption Form does not have an option for the employee to assert that she or he is not covered by an of the statutory options. If the employee does not assert any exemption, no further action is necessary. Your office will maintain those forms just as you do now.
3. If the employee does assert an exemption, give the employee the new Public Records Exemption Form to complete. The employee must submit that form directly to the PFT. Do not have employees send the form to the Justice Administrative Commission.
5. For *existing OPS* employees – determine if any of them are covered by a statutory exemption due to their assigned duties. If they are, have the employees complete the Public Records Exemption Form and submit it directly to the PFT at [PeopleFirstPRRExemption@dms.fl.gov](mailto:PeopleFirstPRRExemption@dms.fl.gov). Do not have employees send the form to the Justice Administrative Commission.
6. Due to the delay in implementation of the law, your office may soon begin receiving notices from JAC that an employee must complete and submit a Public Records Exemption Form to the PFT.

7. Please keep in mind that each time you move an employee from one position to another, the privacy indicators on the position and the employee sides might need to be adjusted. Therefore, please give strong consideration whether moving your employees is necessary. Placing an employee in a restricted class or position who is not entitled to the statutory exemption may place your office in jeopardy if a public records violation occurs.

As mentioned, this is a significant departure from existing procedure. If you have any questions, please do not hesitate to contact the memorandum's author.

Thank you in advance for your cooperation.

Attachments:

Ch. 2021-215, Laws of Fla.

Screenshot – Personal Information page in People First (employee side)

Screenshot – Position Attributes page in People First (org management/position side)

Appendix B

Public Records Exemption Form





## Public Records Exemption Request Form

**Instructions:** Pursuant to Section 119.071(4)(d), Florida Statutes (F.S.), specified personal information may be exempted from public record inspection. To claim a personal exemption under Section 119.071(4)(d), F.S., this form must be completed in its entirety, notarized and submitted to the Human Resource Office at your Agency before the exemption request will be processed.

In accordance with the provisions of Section 119.071(4)(d), F.S., I hereby request the following public record exemption(s):

Exempt Personnel    Spouse of Exempt Personnel    Child of Exempt Personnel

Per Section \_\_\_\_\_, F.S. (refer to Appendix A - Exemption Categories below).

**Attestation:** I hereby swear or affirm under oath that I qualify for the public records exemption indicated above; that all information on this form is true and correct; and that if I lose eligibility for the exemption, I will immediately notify my agency human resource office and request that the exemption be removed.

Employee Name (printed): \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Employee People First Login ID: \_\_\_\_\_

### Notary:

State of Florida

County of \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ .

\_\_\_\_\_  
(Name of Notary Public Typed, Printed or Stamped)

\_\_\_\_\_  
(Signature of Notary Public)

(Notary Seal)

- Personally Known OR  
 Produced Identification

Type of  
Identification  
Produced \_\_\_\_\_

## Appendix A - Exemption Categories

(all exemptions may not be listed; this is intended as a resource only)

Florida Statutes Section	Exemption Language
119.071(4)(d) 2.a.	The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.b.	The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.c.	The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.d.	The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.e.	The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.f.	The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.g.	The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings,

## Appendix A - Exemption Categories

(all exemptions may not be listed; this is intended as a resource only)

Florida Statutes Section	Exemption Language
	and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.h.	The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.i.	The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.j.	The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.k.	The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.l.	The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.m.	The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.n.	The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.o.	The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or



## Appendix A - Exemption Categories

(all exemptions may not be listed; this is intended as a resource only)

Florida Statutes Section	Exemption Language
	health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.p.	The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.q.	The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.r.	The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
119.071(4)(d) 2.s.	The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26).
119.071(4)(d) 2.t.	The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(1) and fulfills the screening requirement of s. 39.3035(2), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

## SCREENSHOTS

### Personal Information landing page (employee side)

Effective Date	<input type="text" value="08/20/2020"/>	End Date	<input type="text" value="12/31/9999"/>
Title	<input type="text"/>	First Name	<input type="text" value="THOMAS"/>
Middle Name	<input type="text"/>	Last Name	<input type="text" value="REDACTED"/>
Suffix	<input type="text" value="11 - JR"/>	Nickname	<input type="text"/>
Full Name	<input type="text" value="THOMAS REDACTED"/>	Gender	<input type="text" value="1 - Male"/>
Date of Birth	<input type="text" value="06/01/REDACTED"/>	SSN	<input type="text" value="REDACTED"/>

Sworn/Certified    Restricted Employee    Restricted Relative    Protected Identity    Publish Nickname

### Position Attributes page in People First (org management/position side)

Pay Grade	<input type="text" value="027"/>	Restricted Position	<input type="checkbox"/>
Pay Band	<input type="text" value="00"/>	Shared Position	<input type="checkbox"/>
Occupation Group	<input type="text" value="105 - BUSINESS OPERATIONS"/>	Financial Disclosure	<input type="checkbox"/>
CBU	<input type="text" value="89 - NOT REPRESENTED"/>	Security Level Check	<input type="text" value="0 - No Security Screen Required"/>
EEO-4	<input type="text" value="02 - Professionals"/>	Security Check Reason	<input type="text" value="N - Security check not required"/>
FLSA Work Period	<input type="text" value="40 - FRI-THU Default 40HR FLSA We"/>	Rescreen Months	<input type="text" value="000"/>
Shift Code	<input type="text" value="REGULAR - REGULAR"/>	Drivers License Class	<input type="text" value="N - No Drivers License Required"/>
Full Time Equivalent	<input type="text" value="1.00"/>	Function Code	<input type="text" value="01"/>
Exempt Category 2	<input type="text"/>	Contract Length	<input type="text" value="12"/>

---

Shift Code	<input type="text" value="REGULAR - REGULAR"/>	Drivers License Class	<input type="text" value="N - No Drivers License Required"/>
Full Time Equivalent	<input type="text" value="1.00"/>	Function Code	<input type="text" value="01"/>
Exempt Category 2	<input type="text"/>	Contract Length	<input type="text" value="12"/>
SES Criteria	<input type="text" value="N - Not SES Qualified"/>	Abuse Screen	<input type="checkbox"/>
Regulatory Response	<input type="text"/>	Drug Screen	<input type="checkbox"/>
Telework Eligible	<input type="checkbox"/>	Instructor	<input type="checkbox"/>
Telework Eligible Percentage	<input type="text" value="0.00"/>	Sworn/Certified	<input type="checkbox"/>
Telework Required	<input type="checkbox"/>	Bond	<input type="checkbox"/>
Telework Required Percentage	<input type="text" value="0.00"/>	Vendor Invoice	<input type="checkbox"/>
Agency Unique	<input type="text"/>	Supervisor	<input type="checkbox"/>
Essential Position	<input type="checkbox"/>	CJIP	<input type="checkbox"/>