



## FTA-PP-04: PUBLIC RECORDS EXEMPTION— SENIOR COUNTY LEADERSHIP

### COMMITTEE RECOMMENDATION: COMBINE AND ADOPT

**RECOMMENDED COMBINED STATEMENT:** FAC SUPPORTS amending s.119.071, F.S., to grant a public records exemption to allow the protection of the County Administrator/Manager/Coordinator, the County Attorney, and the senior-most security personnel.

**BACKGROUND:** Broward County is concerned for our county administrators given the gravity of the threats directed towards these senior policymakers. Protecting the private information of county leadership and their families is a public necessity. Over the past several years, and particularly because of the COVID-19 pandemic, death threats have been made towards the County Administrator of Broward County that were subsequently investigated by law enforcement. It is imperative that the state make efforts to prevent threats from transforming into actionable capability to commit violence against the policymakers of county government.

Charlotte County is seeking FAC's support for a bill amending s. 119.071(1), F.S., providing an exemption for county security personnel, county administration, and county attorney home addresses, telephone numbers, as well as, amending s. 119.07(1)(f) to include security system operation meetings.



Over the last several years, Charlotte County has unfortunately experienced an uptick in anti-government activities and incidents from individuals and groups. These incidents include: stalking of County Attorney<sup>1</sup>,



filming of County security personnel and security systems<sup>2</sup>, and harassing a stalking victim and witness<sup>3,4</sup>. One such individual is being investigated by the Federal Bureau of Investigation and was found with 36 guns, including an AR-15-style rifle and a shotgun, along with thousands of rounds of ammunition<sup>5,6</sup>. Of note, he specifically targeted the County Attorney and County security staff members.

*Figure 1: Email sent to Charlotte County Attorney*

Our request is to impede a willingness to commit harm as shown in *Figure 1* from transforming into actionable capability to commit violence.

For a local community like ours, these terrible incidents have created a chilling effect among staff and security personnel. We need a solution. Exempting the home addresses of security personnel, county administrators, and the county attorney's office maintains the necessary balance of freedom of speech and public safety. These positions provide essential functions for county safety, they must be protected. The abuse of public records requests system has created security gaps that must be addressed to ensure that the first amendment is respected, but that the continuity of county security and leadership is protected.

**ANALYSIS:** County administrators provide essential functions for the continuity of local government and must be protected. The abuse of the public records requests system has created security gaps that must be addressed to ensure that the first amendment is respected but should not be mutually exclusive to the protection and safety of county leadership.

- Charlotte County is concerned for our county security given the heinous tactics and machinations that our security personnel, county administration offices, and county attorney offices have experienced.
- Charlotte County has had serious difficulty recruiting and retaining security personnel given these abuses.
- Charlotte County is requesting that FAC act to reduce the paths of least resistance for domestic terrorist, harassers, and criminals.

**FISCAL IMPACT: N/A**

**FAC STAFF NOTES:**

- FAC 2022 Policy Conference
  - Proposals FTA-PP-06 and FTA-PP-07 were recommended by the committee to be combined and amended into one proposal, FTA-PP-04
- There are currently 21 exemptions for stated state and local positions. Exempt positions include: sworn law enforcement, judges, state attorneys, correctional officers, probation officers, firefighters; human resource, labor relations, or employee relations officers; code enforcement officers, public defenders, revenue collection officials, county tax collectors, emergency medical technicians and paramedics, and personnel in an



inspector general's office. Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements.

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- Statutes:
  - [s. 119.071, F.S.](#)
    - Provides for general exemptions from inspection or copying of public records
- Past FAC statements & Guiding Principles:
  - 2022: FTA-PP-13: PUBLIC RECORDS – COUNTY STAFF - POLICY PROPOSAL: Adopted - SUPPORT legislation granting public records exemptions to counties which allow the protection of security personnel and senior county leadership (county administration and county attorneys staff).
  - 2022: FTA-PP-12: PUBLIC RECORDS - COUNTY ADMINISTRATION PROPOSED POLICY: Not Adopted - SUPPORT amending s. 119.071, F.S., to provide a public records exemption for county administrators, deputy county administrators and assistant county administrators.
  - Guiding Principle FTA 10:
    - The Florida Association of Counties supports policies that promote access to public records in a manner that is not frivolous; that upholds fiscal responsibility; that does not prevent the efficient and effective administration of local services; and allows for exemptions to protect the safety and security of individuals providing or receiving critical public services.

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**ASSIGNED COMMITTEE:** FTA

**BOARD SUPPORT:** Yes

**UNFUNDED MANDATE:** No

**PROTECTIVE OF HOME RULE:** N/A