



**Clerk of the Circuit Court, Brevard County, Florida**

Administration, P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-5413 · [www.brevardclerk.us](http://www.brevardclerk.us)

**Scott Ellis, Clerk**

March 26, 2019

The Honorable Bill Galvano, President  
Florida Senate  
409, The Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399

The Honorable Jose R. Oliva, Speaker  
Florida House of Representatives  
513, The Capitol  
402 S. Monroe Street  
Tallahassee, FL 32399

The Honorable Tom Wright  
Florida Senate  
4606 Clyde Morris Blvd., Suite 2-J  
Port Orange, FL 32129

The Honorable Debbie Mayfield  
Florida Senate  
900 East Strawbridge Ave.  
Melbourne, FL 32901

The Honorable Randy Fine  
Florida House of Representatives  
2539 Palm Bay Rd. NE, Suite 5  
Palm Bay, FL 32905

The Honorable Tyler Sirois  
Florida House of Representatives  
2460 North Courtenay Parkway, Suite 108  
Merritt Island, FL 32953

The Honorable Thad Altman  
Florida House of Representatives  
1895 South Patrick Dr.  
Indian Harbour Beach, FL 32937

Dear President Galvano, Speaker Oliva, and Honorable Members of the Brevard County  
Legislative Delegation:

This office writes to apprise members of concerns the Brevard Clerk has regarding House  
Bill 203 and Senate Bill 248, which pertain to public record exemptions for personal identifying  
information of law enforcement personnel and the definition of home address.

The proposed bill will have the effect of protecting the identifying information of all  
current and former personnel employed by a law enforcement agency and their spouse and  
children. It is this office's position that the amended language as proposed is too broad and  
abrogates the true purpose of Florida's open public record laws. This exemption would include  
individuals in support positions such as a receptionist, crossing guard, or accountant, who are  
unlikely targets of harm. While these support positions are important to the operations of a law  
enforcement agency, these are not positions which are consistent with the original purpose of the  
exemption. The Florida Legislature originally enacted the law enforcement personnel exemption  
in 1979, which sought to codify a common law exemption known as the "police secrets rule."  
See Ch. 1979-187, Laws of Fla.

The Clerk requests that the proposed bill be amended to limit the scope of civilian personnel to those positions which have direct involvement with investigative duties, such as crime scene investigators, analysts, and technicians. The Clerk would suggest that a definition for qualifying civilian personnel be included in the exemption. Other civilian personnel employed by a law enforcement agency performing support duties are not serving in positions which would likely bring danger upon themselves or their families. This balance serves to protect those employees and their families in a higher degree of danger and also maintain openness of records.

The Clerk is also concerned with proposed language seeking to include legal description in the definition of home address. When a homeowner seeks to sell their property or purchase a new property, it will become impossible for a title company to perform a title search and obtain copies of records necessary for closing. It has been the Clerk's experience that persons seeking an exemption then later comes to Clerk to request the information be unredacted for the purpose of closing and then request the exemption be implemented again. If the legal description and other property identifiers are redacted, these requests will become more often and cause increased workload on Clerks.

If this office can be of further service, please do not hesitate to contact me at (321) 637-2017 or via e-mail at [Scott.ellis@brevardclerk.us](mailto:Scott.ellis@brevardclerk.us). You may also contact our in-house counsel, Rebecca Lober, via e-mail at [Rebecca.lober@brevardclerk.us](mailto:Rebecca.lober@brevardclerk.us) for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Ellis', written in a cursive style.

Scott Ellis  
Clerk of the Circuit Court

CC: Barbara Petersen, Esq.  
First Amendment Foundation