

By Senator Silver

38-370-99

1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.07, F.S.; providing an exemption from the  
4           public records law for specified information  
5           relating to certain municipal employees who are  
6           human resources practitioners; providing  
7           legislative findings; providing an effective  
8           date.

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10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Paragraph (a) of subsection (2) and  
13           paragraph (i) of subsection (3) of section 119.07, Florida  
14           Statutes, 1998 Supplement, are amended to read:

15           119.07 Inspection, examination, and duplication of  
16           records; exemptions.--

17           (2)(a) A person who has custody of a public record and  
18           who asserts that an exemption provided in subsection (3) or in  
19           a general or special law applies to a particular public record  
20           or part of such record shall delete or excise from the record  
21           only that portion of the record with respect to which an  
22           exemption has been asserted and validly applies, and such  
23           person shall produce the remainder of such record for  
24           inspection and examination. If the person who has custody of  
25           a public record contends that the record or part of it is  
26           exempt from inspection and examination, he or she shall state  
27           the basis of the exemption which he or she contends is  
28           applicable to the record, including the statutory citation to  
29           an exemption created or afforded by statute, and, if requested  
30           by the person seeking the right under this subsection to  
31           inspect, examine, or copy the record, he or she shall state in

1 writing and with particularity the reasons for the conclusion  
2 that the record is exempt.

3 (3)

4 (i)1. The home addresses, telephone numbers, social  
5 security numbers, and photographs of active or former law  
6 enforcement personnel, including correctional and correctional  
7 probation officers, personnel of the Department of Children  
8 and Family Services whose duties include the investigation of  
9 abuse, neglect, exploitation, fraud, theft, or other criminal  
10 activities, personnel of the Department of Health whose duties  
11 are to support the investigation of child abuse or neglect,  
12 and personnel of the Department of Revenue or local  
13 governments whose responsibilities include revenue collection  
14 and enforcement or child support enforcement; the home  
15 addresses, telephone numbers, social security numbers,  
16 photographs, and places of employment of the spouses and  
17 children of such personnel; and the names and locations of  
18 schools and day care facilities attended by the children of  
19 such personnel are exempt from the provisions of subsection  
20 (1). The home addresses, telephone numbers, and photographs of  
21 firefighters certified in compliance with s. 633.35; the home  
22 addresses, telephone numbers, photographs, and places of  
23 employment of the spouses and children of such firefighters;  
24 and the names and locations of schools and day care facilities  
25 attended by the children of such firefighters are exempt from  
26 subsection (1). The home addresses and telephone numbers of  
27 justices of the Supreme Court, district court of appeal  
28 judges, circuit court judges, and county court judges; the  
29 home addresses, telephone numbers, and places of employment of  
30 the spouses and children of justices and judges; and the names  
31 and locations of schools and day care facilities attended by

1 the children of justices and judges are exempt from the  
2 provisions of subsection (1). The home addresses, telephone  
3 numbers, social security numbers, and photographs of current  
4 or former state attorneys, assistant state attorneys,  
5 statewide prosecutors, or assistant statewide prosecutors; the  
6 home addresses, telephone numbers, social security numbers,  
7 photographs, and places of employment of the spouses and  
8 children of current or former state attorneys, assistant state  
9 attorneys, statewide prosecutors, or assistant statewide  
10 prosecutors; and the names and locations of schools and day  
11 care facilities attended by the children of current or former  
12 state attorneys, assistant state attorneys, statewide  
13 prosecutors, or assistant statewide prosecutors are exempt  
14 from subsection (1) and s. 24(a), Art. I of the State  
15 Constitution. The home addresses and home telephone numbers of  
16 county and municipal code inspectors and code enforcement  
17 officers are confidential and exempt from the provisions of  
18 subsection (1) and s. 24(a), Art. I of the State Constitution.  
19 The home addresses and home telephone numbers of municipal  
20 employees who are human resources practitioners who make  
21 decisions that affect employment actions are confidential and  
22 exempt from the provision of subsection (1) and s. 24(a), Art.  
23 I of the State Constitution.

24         2. An agency that is the custodian of the personal  
25 information specified in subparagraph 1. and that is not the  
26 employer of the officer, employee, justice, judge, or other  
27 person specified in subparagraph 1. shall maintain the  
28 confidentiality of the personal information only if the  
29 officer, employee, justice, judge, other person, or employing  
30 agency of the designated employee submits a written request  
31 for confidentiality to the custodial agency.

1           Section 2. The Legislature finds that it is a public  
2 necessity that the home addresses and home telephone numbers  
3 of municipal employees who are human resources practitioners  
4 who make decisions that affect employment actions be exempt  
5 from public disclosure. The increase in violence in the  
6 workplace and particularly violence relating to decisions  
7 affecting employees' rights to employment justify such  
8 exemption to assure the safety of human resource personnel in  
9 the performance of their official duties. Limiting access by  
10 the public to such information is minor compared to the  
11 preservation of the security and safety of municipal employees  
12 whose job responsibilities require them to make decisions  
13 affecting the employment of other municipal employees.

14           Section 3. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Provides an exemption from the public records law for the home addresses and home telephone numbers of municipal employees who are human resources practitioners who make decisions that affect employment actions.