

Bill No. SB 768

Amendment No. Barcode 571092

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| | CHAMBER ACTION | |
| <u>Senate</u> | | <u>House</u> |

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11 Senators Sanderson and Crist moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

17 Section 1. Paragraph (i) of subsection (3) of section
18 119.07, Florida Statutes, is amended to read:

19 119.07 Inspection, examination, and duplication of
20 records; exemptions.--

21 (3)

22 (i)1. The home addresses, telephone numbers, social
23 security numbers, and photographs of active or former law
24 enforcement personnel, including correctional and correctional
25 probation officers, personnel of the Department of Children
26 and Family Services whose duties include the investigation of
27 abuse, neglect, exploitation, fraud, theft, or other criminal
28 activities, personnel of the Department of Health whose duties
29 are to support the investigation of child abuse or neglect,
30 ~~and~~ personnel of the Department of Revenue or local
31 governments whose responsibilities include revenue collection

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1 and enforcement or child support enforcement, and code
2 enforcement officers; the home addresses, telephone numbers,
3 social security numbers, photographs, and places of employment
4 of the spouses and children of such personnel; and the names
5 and locations of schools and day care facilities attended by
6 the children of such personnel are exempt from the provisions
7 of subsection (1). The home addresses, telephone numbers, and
8 photographs of firefighters certified in compliance with s.
9 633.35; the home addresses, telephone numbers, photographs,
10 and places of employment of the spouses and children of such
11 firefighters; and the names and locations of schools and day
12 care facilities attended by the children of such firefighters
13 are exempt from subsection (1). The home addresses and
14 telephone numbers of justices of the Supreme Court, district
15 court of appeal judges, circuit court judges, and county court
16 judges; the home addresses, telephone numbers, and places of
17 employment of the spouses and children of justices and judges;
18 and the names and locations of schools and day care facilities
19 attended by the children of justices and judges are exempt
20 from the provisions of subsection (1). The home addresses,
21 telephone numbers, social security numbers, and photographs of
22 current or former state attorneys, assistant state attorneys,
23 statewide prosecutors, or assistant statewide prosecutors; the
24 home addresses, telephone numbers, social security numbers,
25 photographs, and places of employment of the spouses and
26 children of current or former state attorneys, assistant state
27 attorneys, statewide prosecutors, or assistant statewide
28 prosecutors; and the names and locations of schools and day
29 care facilities attended by the children of current or former
30 state attorneys, assistant state attorneys, statewide
31 prosecutors, or assistant statewide prosecutors are exempt

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1 from subsection (1) and s. 24(a), Art. I of the State
2 Constitution. ~~The home addresses and home telephone numbers of~~
3 ~~county and municipal code inspectors and code enforcement~~
4 ~~officers are confidential and exempt from the provisions of~~
5 ~~subsection (1) and s. 24(a), Art. I of the State Constitution.~~

6 2. An agency that is the custodian of the personal
7 information specified in subparagraph 1. and that is not the
8 employer of the officer, employee, justice, judge, or other
9 person specified in subparagraph 1. shall maintain the
10 confidentiality of the personal information only if the
11 officer, employee, justice, judge, other person, or employing
12 agency of the designated employee submits a written request
13 for confidentiality to the custodial agency.

14 Section 2. The exemptions from section 119.07(1) and
15 s. 24(a) of Art. I of the State Constitution which are
16 provided under section 1 of this act are repealed effective
17 October 2, 2006, and must be reviewed by the Legislature
18 before that date in accordance with section 119.15, Florida
19 Statutes, the Open Government Sunset Review Act of 1995.

20 Section 3. The Legislature finds that the exemptions
21 provided for in section 1 of this act are a public necessity.
22 The current exemption of names and addresses has not
23 completely shielded the identities of the county and municipal
24 code enforcement officers. The responsibilities of these
25 employees regularly take them into areas of neglect, abuse,
26 and personal danger. Citations issued in response to
27 violations that they encounter often lead to retribution by
28 the offenders. Their personnel files are reviewed on numerous
29 occasions by code violators seeking information relating to
30 the code enforcement officers and their families. The
31 disclosure of this personal information has led to threats,

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1 acts of violence, and unwarranted risk to the officers and
2 their families.

3 Section 4. Paragraph (i) of subsection (3) of section
4 119.07, Florida Statutes, is amended to read:

5 119.07 Inspection, examination, and duplication of
6 records; exemptions.--

7 (3)

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

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

23 2. The home addresses, telephone numbers, social
24 security numbers, and photographs of current or former human
25 resource, labor relations, or employee relations directors,
26 assistant directors, managers, or assistant managers of any
27 local government agency or water management district whose
28 duties include hiring and firing employees, labor contract
29 negotiation, administration, or other personnel-related
30 duties; the names, home addresses, telephone numbers, social
31 security numbers, photographs, and places of employment of the

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1 spouses and children of such personnel; and the names and
2 locations of schools and day care facilities attended by the
3 children of such personnel are exempt from subsection (1) and
4 s. 24(a), Art. I of the State Constitution. This subparagraph
5 is subject to the Open Government Sunset Review Act of 1995 in
6 accordance with s. 119.15, and shall stand repealed on October
7 2, 2006, unless reviewed and saved from repeal through
8 reenactment by the Legislature.

9 3. The home addresses, telephone numbers, social
10 security numbers, and photographs of current or former code
11 enforcement officers; the names, home addresses, telephone
12 numbers, social security numbers, photographs, and places of
13 employment of the spouses and children of such persons; and
14 the names and locations of schools and day care facilities
15 attended by the children of such persons are exempt from
16 subsection (1) and s. 24(a), Art. I of the State Constitution.
17 This subparagraph is subject to the Open Government Sunset
18 Review Act of 1995 in accordance with s. 119.15, and shall
19 stand repealed on October 2, 2006, unless reviewed and saved
20 from repeal through reenactment by the Legislature.

21 ~~4.2.~~ An agency that is the custodian of the personal
22 information specified in subparagraph 1., subparagraph 2., or
23 subparagraph 3. and that is not the employer of the officer,
24 employee, justice, judge, or other person specified in
25 subparagraph 1., subparagraph 2., or subparagraph 3. shall
26 maintain the confidentiality of the personal information only
27 if the officer, employee, justice, judge, other person, or
28 employing agency of the designated employee submits a written
29 request for confidentiality to the custodial agency.

30 Section 5. The Legislature finds that the exemption
31 from public records requirements provided by this act for

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1 identifying information relating to current and former human
 2 resource, labor relations, or employee relations directors,
 3 assistant directors, managers, or assistant managers of local
 4 government agencies or water management districts and their
 5 families is justified because, if such information were not
 6 confidential, a human resource, labor relations, or employee
 7 relations director, assistant director, manager, or assistant
 8 manager or such person's family could be harmed or threatened
 9 with harm by a current or former employee or a friend or
 10 family member of a current or former employee.

11 Section 6. The Legislature finds that the exemption
 12 from public records requirements provided for by this act for
 13 identifying information relating to current and former code
 14 enforcement officers and their families is a public necessity.
 15 The current exemption of names and addresses has not
 16 completely shielded the identities of county and municipal
 17 code enforcement officers. The responsibilities of these
 18 employees regularly take them into areas of neglect, abuse,
 19 and personal danger. Citations issued in response to
 20 violations that they encounter often lead to retribution by
 21 the offenders. Their personnel files are reviewed on numerous
 22 occasions by code violators seeking information relating to
 23 the code enforcement officers and their families. The
 24 disclosure of this personal information has led to threats,
 25 acts of violence, and unwarranted risk to the officers and
 26 their families.

27 Section 7. This act shall take effect July 1, 2001.
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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 Delete everything before the enacting clause

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3 and insert:

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A bill to be entitled

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An act relating to public records; amending s.

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119.07, F.S.; exempting from disclosure under

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s. 119.07(1), F.S., and s. 24(a), Art. I of the

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State Constitution, certain information

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pertaining to county and municipal code

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enforcement officers and their families;

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providing for future repeal and prior

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legislative review of these exemptions;

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providing a statement of public necessity for

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the exemptions; amending s. 119.07, F.S.;

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expanding the exemption for code enforcement

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officers to include additional information and

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to include such officers' spouses and children;

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providing for future review and repeal;

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providing findings of public necessity;

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providing an effective date.

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