

By Senator Geller

31-1282A-04

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.07, F.S.; creating an exemption from
4 public-records requirements; providing for the
5 confidentiality of personal identifying
6 information contained in records of current or
7 former county attorneys, assistant county
8 attorneys, municipal attorneys, and assistant
9 municipal attorneys responsible for prosecuting
10 violations of local codes and ordinances, and
11 the spouses and children of those attorneys;
12 providing for future repeal and legislative
13 review under the Open Government Sunset Review
14 Act of 1995; providing a statement of public
15 necessity; providing an effective date.

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

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19 Section 1. Paragraph (i) of subsection (3) of section
20 119.07, Florida Statutes, is amended to read:

21 119.07 Inspection, examination, and duplication of
22 records; exemptions.--

23 (3)

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

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

1 state attorneys, assistant state attorneys, statewide
2 prosecutors, or assistant statewide prosecutors are exempt
3 from subsection (1) and s. 24(a), Art. I of the State
4 Constitution.

5 2. The home addresses, telephone numbers, social
6 security numbers, and photographs of current or former human
7 resource, labor relations, or employee relations directors,
8 assistant directors, managers, or assistant managers of any
9 local government agency or water management district whose
10 duties include hiring and firing employees, labor contract
11 negotiation, administration, or other personnel-related
12 duties; the names, home addresses, telephone numbers, social
13 security numbers, photographs, and places of employment of the
14 spouses and children of such personnel; and the names and
15 locations of schools and day care facilities attended by the
16 children of such personnel are exempt from subsection (1) and
17 s. 24(a), Art. I of the State Constitution. This subparagraph
18 is subject to the Open Government Sunset Review Act of 1995 in
19 accordance with s. 119.15, and shall stand repealed on October
20 2, 2006, unless reviewed and saved from repeal through
21 reenactment by the Legislature.

22 3. The home addresses, telephone numbers, social
23 security numbers, and photographs of current or former code
24 enforcement officers; the names, home addresses, telephone
25 numbers, social security numbers, photographs, and places of
26 employment of the spouses and children of such persons; and
27 the names and locations of schools and day care facilities
28 attended by the children of such persons are exempt from
29 subsection (1) and s. 24(a), Art. I of the State Constitution.
30 This subparagraph is subject to the Open Government Sunset
31 Review Act of 1995 in accordance with s. 119.15, and shall

1 stand repealed on October 2, 2006, unless reviewed and saved
2 from repeal through reenactment by the Legislature.

3 4. The home addresses, telephone numbers, social
4 security numbers, and photographs of current or former county
5 attorneys and assistant county attorneys, municipal attorneys,
6 and assistant municipal attorneys responsible for prosecuting
7 violations of local codes or ordinances; the names, home
8 addresses, telephone numbers, social security numbers,
9 photographs, and places of employment of the spouses and
10 children of such persons; and the names and locations of
11 schools and day care facilities attended by the children of
12 such persons are exempt from subsection (1) and s. 24(a), Art.
13 I of the State Constitution. This subparagraph is subject to
14 the Open Government Sunset Review Act of 1995 in accordance
15 with s. 119.15 and shall stand repealed on October 2, 2009,
16 unless reviewed and saved from repeal through reenactment by
17 the Legislature.

18 5.4. An agency that is the custodian of the personal
19 information specified in subparagraph 1., subparagraph 2., ~~or~~
20 subparagraph 3., or subparagraph 4.and that is not the
21 employer of the officer, employee, justice, judge, or other
22 person specified in subparagraph 1., subparagraph 2., ~~or~~
23 subparagraph 3., or subparagraph 4.shall maintain the
24 confidentiality of the personal information only if the
25 officer, employee, justice, judge, other person, or employing
26 agency of the designated employee submits a written request
27 for confidentiality to the custodial agency.

28 Section 2. The Legislature finds that the
29 public-records exemption created by this act is a public
30 necessity in order to ensure the safety of current or former
31 county attorneys, assistant county attorneys, municipal

1 attorneys, and assistant municipal attorneys responsible for
2 prosecuting violations of local codes or ordinances, and the
3 families of these attorneys. If this information concerning
4 these attorneys or their family members were made publicly
5 available, the ability of persons who desire to harm these
6 attorneys or their families would be increased. Attorneys
7 prosecuting violations of local codes or ordinances, and their
8 family members, should not be subject to harassment or
9 potential harm from individuals alleged to have violated such
10 codes or ordinances. Consequently, the Legislature finds that
11 the public-records exemption created by this act is a public
12 necessity.

13 Section 3. This act shall take effect October 1, 2004.

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15 SENATE SUMMARY

16 Provides that personal identifying information contained
17 in records concerning county attorneys, assistant county
18 attorneys, municipal attorneys, and assistant municipal
19 attorneys who prosecute violations of local codes and
20 ordinances, and the spouses and children of those
21 attorneys, are exempt from disclosure under the public
22 records law. Provides for future legislative review and
23 repeal of the exemption.
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