

By Senator Peaden

2-241-04

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 for United  
7           States attorneys, assistant United States  
8           attorneys, judges of the United States Courts  
9           of Appeal, United States district judges,  
10          United States magistrate judges, and their  
11          spouses and children; providing for future  
12          repeal and legislative review under the Open  
13          Government Sunset Review Act of 1995; providing  
14          a statement of public necessity; providing an  
15          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, 2009, 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 United  
24 States attorneys and assistant United States attorneys; the  
25 home addresses, telephone numbers, social security numbers,  
26 photographs, and places of employment of the spouses and  
27 children of current or former United States attorneys and  
28 assistant United States attorneys; and the names and locations  
29 of schools and day care facilities attended by the children of  
30 current or former United States attorneys and assistant United  
31 States attorneys are exempt from subsection (1) and s. 24(a),

1 Art. I of the State Constitution. This subparagraph is subject  
2 to the Open Government Sunset Review Act of 1995 in accordance  
3 with s. 119.15 and shall stand repealed on October 2, 2009,  
4 unless reviewed and saved from repeal through reenactment by  
5 the Legislature.

6 4. The home addresses, telephone numbers, social  
7 security numbers, and photographs of current or former judges  
8 of United States Courts of Appeal, United States district  
9 judges, and United States magistrate judges; the home  
10 addresses, telephone numbers, social security numbers,  
11 photographs, and places of employment of the spouses and  
12 children of current or former judges of United States Courts  
13 of Appeal, United States district judges, and United States  
14 magistrate judges; and the names and locations of schools and  
15 day care facilities attended by the children of current or  
16 former judges of United States Courts of Appeal, United States  
17 district judges, and United States magistrate judges are  
18 exempt from subsection (1) and s. 24(a), Art. I of the State  
19 Constitution. This subparagraph is subject to the Open  
20 Government Sunset Review Act of 1995 in accordance with s.  
21 119.15, and shall stand repealed on October 2, 2009, unless  
22 reviewed and saved from repeal through reenactment by the  
23 Legislature.

24 5.3- The home addresses, telephone numbers, social  
25 security numbers, and photographs of current or former code  
26 enforcement officers; the names, home addresses, telephone  
27 numbers, social security numbers, photographs, and places of  
28 employment of the spouses and children of such persons; and  
29 the names and locations of schools and day care facilities  
30 attended by the children of such persons are exempt from  
31 subsection (1) and s. 24(a), Art. I of the State Constitution.

1 This subparagraph is subject to the Open Government Sunset  
2 Review Act of 1995 in accordance with s. 119.15, and shall  
3 stand repealed on October 2, 2006, unless reviewed and saved  
4 from repeal through reenactment by the Legislature.

5 ~~6.4.~~ An agency that is the custodian of the personal  
6 information specified in subparagraph 1., subparagraph 2.,~~or~~  
7 subparagraph 3., subparagraph 4., or subparagraph 5., and that  
8 is not the employer of the officer, employee, justice, judge,  
9 or other person specified in subparagraph 1., subparagraph  
10 2.,~~or~~ subparagraph 3., subparagraph 4., or subparagraph 5.,  
11 shall maintain the confidentiality of the personal information  
12 only if the officer, employee, justice, judge, other person,  
13 or employing agency of the designated employee submits a  
14 written request for confidentiality to the custodial agency.

15 Section 2. The Legislature finds that the exemption  
16 from public-records requirements provided for by this act for  
17 identifying information relating to current and former United  
18 States attorneys, assistant United States attorneys, judges of  
19 the United States Courts of Appeal, United States district  
20 judges, United States magistrate judges, and their families is  
21 a public necessity. This act is justified because, if such  
22 information were not confidential, a United States attorney,  
23 an assistant United States attorney, a judge of the United  
24 States Court of Appeal, a United States district judge, a  
25 United States magistrate judge, or his or her family could be  
26 harmed or threatened with harm by a criminal defendant or by a  
27 friend or family member of a criminal defendant.

28 Section 3. This act shall take effect October 1, 2004.  
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SENATE SUMMARY

Provides that personal identifying information contained in records for United States attorneys, assistant United States attorneys, judges of the United States Courts of Appeal, United States district judges, United States magistrate judges, and their spouses and children are exempt from disclosure under the public records law. Provides for future legislative review and repeal of the exemption.