

By the Committees on Governmental Oversight and Productivity;
Judiciary; and Senator Peaden

302-1985-04

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.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
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 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 and locating information relating to current and
18 former United States attorneys, assistant United States
19 attorneys, judges of the United States Courts of Appeal,
20 United States district judges, United States magistrate
21 judges, and their families is a public necessity. Current and
22 former United States attorneys, assistant United States
23 attorneys, judges of the United States Courts of Appeal,
24 United States district judges, and United States magistrate
25 judges interact with accused and convicted criminals every day
26 of their careers. The capacity in which they deal with the
27 accused and the convicted does not create good will among the
28 accused, the convicted, their associates, or their families.
29 United States attorneys and assistant United States attorneys
30 determine the severity of the charges brought, file charges
31 against the accused, and prosecute alleged criminals every

1 day. Further, current and former judges of the United States
2 Courts of Appeal, United States district judges, and United
3 States magistrate judges make rulings during trials, impose
4 sentences on the convicted, or review cases from other courts.
5 As such, the duties of these current or former attorneys and
6 judges do not create good will among the accused, the
7 convicted, their associates, and families, and make those
8 federal attorneys and judges potential targets for acts of
9 revenge. Further, their duties make their spouses and children
10 potential targets for acts of revenge. If identifying or
11 location information were available, the safety and welfare of
12 federal attorneys and judges, and their spouses and children,
13 could be seriously jeopardized. Accordingly, it is a public
14 necessity that identifying and personal information be made
15 exempt. Thus, the Legislature finds there to be a public
16 necessity to protect identifying and locating information of
17 current and former United States attorneys and assistant
18 United States attorneys, judges of the United States Courts of
19 Appeal, United States district judges, and United States
20 magistrate judges, and their spouses and children.

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

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23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 CS/SB 348

26 Corrects a reference to an Open Government Sunset Review.
27 Provides more detail regarding the public necessity that
28 supports the exemption.
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