

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled  
7 An act relating to public records; amending s. 119.07,  
8 F.S.; creating an exemption from public records  
9 requirements; providing for the confidentiality of  
10 personal identifying information contained in records for  
11 United States attorneys, assistant United States  
12 attorneys, judges of the United States Courts of Appeal,  
13 United States district judges, United States magistrate  
14 judges, and their spouses and children; providing for  
15 future repeal and legislative review under the Open  
16 Government Sunset Review Act of 1995; providing a  
17 statement of public necessity; providing an effective  
18 date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Paragraph (i) of subsection (3) of section  
23 119.07, Florida Statutes, is amended to read:

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24 |           119.07 Inspection, examination, and duplication of  
 25 | records; exemptions.--  
 26 |           (3)  
 27 |           (i)1. The home addresses, telephone numbers, social  
 28 | security numbers, and photographs of active or former law  
 29 | enforcement personnel, including correctional and correctional  
 30 | probation officers, personnel of the Department of Children and  
 31 | Family Services whose duties include the investigation of abuse,  
 32 | neglect, exploitation, fraud, theft, or other criminal  
 33 | activities, personnel of the Department of Health whose duties  
 34 | are to support the investigation of child abuse or neglect, and  
 35 | personnel of the Department of Revenue or local governments  
 36 | whose responsibilities include revenue collection and  
 37 | enforcement or child support enforcement; the home addresses,  
 38 | telephone numbers, social security numbers, photographs, and  
 39 | places of employment of the spouses and children of such  
 40 | personnel; and the names and locations of schools and day care  
 41 | facilities attended by the children of such personnel are exempt  
 42 | from the provisions of subsection (1). The home addresses,  
 43 | telephone numbers, and photographs of firefighters certified in  
 44 | compliance with s. 633.35; the home addresses, telephone  
 45 | numbers, photographs, and places of employment of the spouses  
 46 | and children of such firefighters; and the names and locations  
 47 | of schools and day care facilities attended by the children of  
 48 | such firefighters are exempt from subsection (1). The home  
 49 | addresses and telephone numbers of justices of the Supreme  
 50 | Court, district court of appeal judges, circuit court judges,  
 51 | and county court judges; the home addresses, telephone numbers,

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52 | and places of employment of the spouses and children of justices  
53 | and judges; and the names and locations of schools and day care  
54 | facilities attended by the children of justices and judges are  
55 | exempt from the provisions of subsection(1). The home addresses,  
56 | telephone numbers, social security numbers, and photographs of  
57 | current or former state attorneys, assistant state attorneys,  
58 | statewide prosecutors, or assistant statewide prosecutors; the  
59 | home addresses, telephone numbers, social security numbers,  
60 | photographs, and places of employment of the spouses and  
61 | children of current or former state attorneys, assistant state  
62 | attorneys, statewide prosecutors, or assistant statewide  
63 | prosecutors; and the names and locations of schools and day care  
64 | facilities attended by the children of current or former state  
65 | attorneys, assistant state attorneys, statewide prosecutors, or  
66 | assistant statewide prosecutors are exempt from subsection (1)  
67 | and s. 24(a), Art. I of the State Constitution.

68 |       2. The home addresses, telephone numbers, social security  
69 | numbers, and photographs of current or former human resource,  
70 | labor relations, or employee relations directors, assistant  
71 | directors, managers, or assistant managers of any local  
72 | government agency or water management district whose duties  
73 | include hiring and firing employees, labor contract negotiation,  
74 | administration, or other personnel-related duties; the names,  
75 | home addresses, telephone numbers, social security numbers,  
76 | photographs, and places of employment of the spouses and  
77 | children of such personnel; and the names and locations of  
78 | schools and day care facilities attended by the children of such  
79 | personnel are exempt from subsection (1) and s. 24(a), Art. I of

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80 the State Constitution. This subparagraph is subject to the Open  
81 Government Sunset Review Act of 1995 in accordance with s.  
82 119.15, and shall stand repealed on October 2, 2006, unless  
83 reviewed and saved from repeal through reenactment by the  
84 Legislature.

85 3. The home addresses, telephone numbers, social security  
86 numbers, and photographs of current or former United States  
87 attorneys and assistant United States attorneys; the home  
88 addresses, telephone numbers, social security numbers,  
89 photographs, and places of employment of the spouses and  
90 children of current or former United States attorneys and  
91 assistant United States attorneys; and the names and locations  
92 of schools and day care facilities attended by the children of  
93 current or former United States attorneys and assistant United  
94 States attorneys are exempt from subsection (1) and s. 24(a),  
95 Art. I of the State Constitution. This subparagraph is subject  
96 to the Open Government Sunset Review Act of 1995 in accordance  
97 with s. 119.15 and shall stand repealed on October 2, 2009,  
98 unless reviewed and saved from repeal through reenactment by the  
99 Legislature.

100 4. The home addresses, telephone numbers, social security  
101 numbers, and photographs of current or former judges of the  
102 United States Courts of Appeal, United States district judges,  
103 and United States magistrate judges; the home addresses,  
104 telephone numbers, social security numbers, photographs, and  
105 places of employment of the spouses and children of current or  
106 former judges of United States Courts of Appeal, United States  
107 district judges, and United States magistrate judges; and the

108 names and locations of schools and day care facilities attended  
 109 by the children of current or former judges of United States  
 110 Courts of Appeal, United States district judges, and United  
 111 States magistrate judges are exempt from subsection (1) and s.  
 112 24(a), Art. I of the State Constitution. This subparagraph is  
 113 subject to the Open Government Sunset Review Act of 1995 in  
 114 accordance with s. 119.15, and shall stand repealed on October  
 115 2, 2009, unless reviewed and saved from repeal through  
 116 reenactment by the Legislature.

117 ~~5.3-~~ The home addresses, telephone numbers, social  
 118 security numbers, and photographs of current or former code  
 119 enforcement officers; the names, home addresses, telephone  
 120 numbers, social security numbers, photographs, and places of  
 121 employment of the spouses and children of such persons; and the  
 122 names and locations of schools and day care facilities attended  
 123 by the children of such persons are exempt from subsection (1)  
 124 and s. 24(a), Art. I of the State Constitution. This  
 125 subparagraph is subject to the Open Government Sunset Review Act  
 126 of 1995 in accordance with s. 119.15, and shall stand repealed  
 127 on October 2, 2006, unless reviewed and saved from repeal  
 128 through reenactment by the Legislature.

129 ~~6.4-~~ An agency that is the custodian of the personal  
 130 information specified in subparagraph 1., subparagraph 2.,~~or~~  
 131 subparagraph 3., subparagraph 4., or subparagraph 5., and that  
 132 is not the employer of the officer, employee, justice, judge, or  
 133 other person specified in subparagraph 1., subparagraph 2.,~~or~~  
 134 subparagraph 3., subparagraph 4., or subparagraph 5., shall  
 135 maintain the confidentiality of the personal information only if

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136 the officer, employee, justice, judge, other person, or  
137 employing agency of the designated employee submits a written  
138 request for confidentiality to the custodial agency.

139       Section 2. The Legislature finds that the exemption from  
140 public records requirements provided for by this act for  
141 identifying and locating information relating to current and  
142 former United States attorneys, assistant United States  
143 attorneys, judges of the United States Courts of Appeal, United  
144 States district judges, United States magistrate judges, and  
145 their families is a public necessity. Current and former United  
146 States attorneys, assistant United States attorneys, judges of  
147 the United States Courts of Appeal, United States district  
148 judges, and United States magistrate judges interact with  
149 accused and convicted criminals every day of their careers. The  
150 capacity in which they deal with the accused and the convicted  
151 does not create good will among the accused, the convicted,  
152 their associates, or their families. United States attorneys and  
153 assistant United States attorneys determine the severity of the  
154 charges brought, file charges against the accused, and prosecute  
155 alleged criminals every day. Further, current and former judges  
156 of the United States Courts of Appeal, United States district  
157 judges, and United States magistrate judges make rulings during  
158 trials, impose sentences on the convicted, or review cases from  
159 other courts. As such, the duties of these current or former  
160 attorneys and judges do not create good will among the accused,  
161 the convicted, their associates, and families, and make those  
162 federal attorneys and judges potential targets for acts of  
163 revenge. Further, their duties make their spouses and children

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164 potential targets for acts of revenge. If identifying or  
165 location information were available, the safety and welfare of  
166 federal attorneys and judges, and their spouses and children,  
167 could be seriously jeopardized. Accordingly, it is a public  
168 necessity that identifying and personal information be made  
169 exempt. Thus, the Legislature finds there to be a public  
170 necessity to protect identifying and locating information of  
171 current and former United States attorneys and assistant United  
172 States attorneys, judges of the United States Courts of Appeal,  
173 United States district judges, and United States magistrate  
174 judges, and their spouses and children.

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