

By Senator Smith

14-1435-05

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 for personal

5 identifying information concerning current or

6 former guardians ad litem and their spouses and

7 children; providing a procedure for requesting

8 an agency that is the custodian of the personal

9 information and that is not the employer of the

10 guardian ad litem to maintain the

11 confidentiality of the information; providing

12 for future repeal and legislative review of the

13 exemption under the Open Government Sunset

14 Review Act; 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 (6) of section

20 119.07, Florida Statutes, is amended to read:

21 119.07 Inspection and copying of records;

22 photographing public records; fees; exemptions.--

23 (6)

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. 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. The home addresses, telephone numbers, social
6 security numbers, and photographs of current or former
7 guardians ad litem, as defined in chapter 39; 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, 2010,
16 unless reviewed and saved from repeal through reenactment by
17 the Legislature.

18 ~~7.6-~~ An agency that is the custodian of the personal
19 information specified in subparagraph 1., subparagraph 2.,
20 subparagraph 3., subparagraph 4., or subparagraph 5., and that
21 is not the employer of the officer, employee, justice, judge,
22 or other person specified in subparagraph 1., subparagraph 2.,
23 subparagraph 3., subparagraph 4., ~~or~~ subparagraph 5., or
24 subparagraph 6., shall maintain the exempt status of the
25 personal information only if the officer, employee, justice,
26 judge, other person, or employing agency of the designated
27 employee submits a written request for maintenance of the
28 exemption to the custodial agency.

29 Section 2. The Legislature finds that it is a public
30 necessity that home addresses, telephone numbers, social
31 security numbers, and photographs of guardians ad litem, along

1 with personal identifying information concerning the spouses
2 and children of guardians ad litem, including the names and
3 locations of schools and day care facilities attended by the
4 children of guardians ad litem, should be made exempt from
5 public disclosure. The Legislature finds that a guardian ad
6 litem at times interacts with persons who may be disgruntled
7 with the testimony, report, or recommendation made by the
8 guardian ad litem and that the release of identifying
9 information or location information could make the guardian ad
10 litem or his or her spouse or children potential targets for
11 acts of harm. Accordingly, it is a public necessity that
12 identifying information and location information concerning
13 guardians ad litem and their spouses and children be made
14 exempt from public disclosure.

15 Section 3. This act shall take effect October 1, 2005.

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18 SENATE SUMMARY

19 Provides that personal identifying information concerning
20 current or former guardians ad litem and their spouses
and children is exempt from the public-records law.
21 Provides a procedure for requesting an agency that is the
custodian of the information but is not the employer of
22 the guardian ad litem to maintain the confidentiality of
the information. Provides for future repeal and
23 legislative review of the exemption under the Open
Government Sunset Review Act.