

By Senator Campbell

32-36-05

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; providing for the

5           confidentiality of personal identifying

6           information contained in records of current or

7           former personnel of a crime laboratory or

8           medical examiner's office and their spouses and

9           children; providing for future repeal and

10          legislative review under the Open Government

11          Sunset Review Act of 1995; providing a

12          statement of public necessity; providing an

13          effective date.

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

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17           Section 1. Paragraph (i) of subsection (6) of section

18   119.07, Florida Statutes, is amended to read:

19           119.07   Inspection and copying of records;

20   photographing public records; fees; exemptions.--

21           (6)

22           (i)1.   The home addresses, telephone numbers, social

23   security numbers, and photographs of active or former law

24   enforcement personnel, including correctional and correctional

25   probation officers, personnel of the Department of Children

26   and Family Services whose duties include the investigation of

27   abuse, neglect, exploitation, fraud, theft, or other criminal

28   activities, personnel of the Department of Health whose duties

29   are to support the investigation of child abuse or neglect,

30   and personnel of the Department of Revenue or local

31   governments whose responsibilities include revenue collection

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

1 from subsection (1) and s. 24(a), Art. I of the State  
2 Constitution.

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

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

1 with s. 119.15 and shall stand repealed on October 2, 2009,  
2 unless reviewed and saved from repeal through reenactment by  
3 the Legislature.

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

22           5. 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 6. The home addresses, telephone numbers, social  
4 security numbers, and photographs of current or former  
5 personnel of a crime laboratory or medical examiner's office;  
6 the names, home addresses, telephone numbers, social security  
7 numbers, photographs, and places of employment of spouses and  
8 children of current or former personnel of a crime laboratory  
9 or medical examiner's office; and the names and locations of  
10 schools and day care facilities attended by children of  
11 current or former personnel of a crime laboratory or medical  
12 examiner's office are exempt from subsection (1) and s. 24(a),  
13 Art. I of the State Constitution. For purposes of this  
14 subparagraph, personnel of a crime laboratory or medical  
15 examiner's office are defined as personnel whose primary  
16 duties or responsibilities include performing laboratory and  
17 analytical work in criminal identification and investigation;  
18 photographing crime scenes; classifying, evaluating, and  
19 identifying fingerprints; or supervising one or more persons  
20 who have those duties or responsibilities. This subparagraph  
21 is subject to the Open Government Sunset Review Act of 1995 in  
22 accordance with s. 119.15, and shall stand repealed on October  
23 2, 2010, unless reviewed and saved from repeal through  
24 reenactment by the Legislature.

25 ~~7.6-~~ An agency that is the custodian of the personal  
26 information specified in subparagraph 1., subparagraph 2.,  
27 subparagraph 3., subparagraph 4., ~~or~~ subparagraph 5., or  
28 subparagraph 6., and that is not the employer of the officer,  
29 employee, justice, judge, or other person specified in  
30 subparagraph 1., subparagraph 2., subparagraph 3.,  
31 subparagraph 4., ~~or~~ subparagraph 5., or subparagraph 6., shall

1 maintain the exempt status of the personal information only if  
2 the officer, employee, justice, judge, other person, or  
3 employing agency of the designated employee submits a written  
4 request for maintenance of the exemption to the custodial  
5 agency.

6           Section 2. The Legislature finds that the exemption  
7 from public-records requirements provided by this act for  
8 identifying information relating to current and former  
9 personnel of a crime laboratory or medical examiner's office  
10 and their families is a public necessity. Personnel of a crime  
11 laboratory or medical examiner's office are often called upon  
12 to provide professional opinions regarding the manner of death  
13 or injury of a victim of crime. The opinions they render may  
14 lead to the conviction of the accused and to the accused's  
15 incarceration or execution. As a result, current or former  
16 personnel could be targeted for revenge by the accused or by  
17 family or friends of the accused. In addition, persons who  
18 might seek revenge against current or former personnel of a  
19 crime laboratory or medical examiner's office could also  
20 target the family members of these personnel. If identifying  
21 information of current or former personnel of a crime  
22 laboratory or medical examiner's office or their family  
23 members is not made exempt from public-records requirements,  
24 it would be much easier for persons with an intent to seek  
25 revenge to locate these personnel and their families and cause  
26 them harm. Thus, the Legislature finds that it is a public  
27 necessity to exempt from disclosure the home addresses,  
28 telephone numbers, social security numbers, and photographs of  
29 current and former personnel of a crime laboratory or medical  
30 examiner's office; the names, home addresses, telephone  
31 numbers, social security numbers, photographs, and places of

1 employment of their spouses and children; and the names and  
2 locations of schools and day care facilities attended by the  
3 children of such personnel.

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

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7 SENATE SUMMARY

8 Exempts certain records identifying the personnel of a  
9 crime laboratory or medical examiner and their families  
10 from public disclosure requirements. Provides for future  
11 repeal and legislative review of the exemption.

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