

By Senator Villalobos

38-1738-07

See HB

1                                   A bill to be entitled  
2           An act relating to a public-records exemption;  
3           amending s. 119.071, F.S.; providing an  
4           exemption from public-records requirements for  
5           identifying and location information of current  
6           or former investigators of the Commission on  
7           Ethics, current or former investigators of a  
8           county or municipal Commission on Ethics and  
9           Public Trust, and the spouses and children of  
10          such investigators; providing for future review  
11          and repeal of the exemption; 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 (d) of subsection (4) of section  
18 119.071, Florida Statutes, is amended to read:

19           119.071 General exemptions from inspection or copying  
20 of public records.--

21           (4) AGENCY PERSONNEL INFORMATION.--

22           (d)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 s. 119.07(1). The home  
7 | addresses, telephone numbers, and photographs of firefighters  
8 | certified in compliance with s. 633.35; the home addresses,  
9 | telephone numbers, photographs, and places of employment of  
10 | the spouses and children of such firefighters; and the names  
11 | and locations of schools and day care facilities attended by  
12 | the children of such firefighters are exempt from s.  
13 | 119.07(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 s.  
20 | 119.07(1). The home addresses, telephone numbers, social  
21 | security numbers, and photographs of current or former state  
22 | attorneys, assistant state attorneys, statewide prosecutors,  
23 | or assistant statewide prosecutors; the home addresses,  
24 | telephone numbers, social security numbers, photographs, and  
25 | places of employment of the spouses and children of current or  
26 | former state attorneys, assistant state attorneys, statewide  
27 | prosecutors, or assistant statewide prosecutors; and the names  
28 | and locations of schools and day care facilities attended by  
29 | the children of current or former state attorneys, assistant  
30 | state attorneys, statewide prosecutors, or assistant statewide  
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1 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I  
2 of the State Constitution.

3           2. The home addresses, telephone numbers, and  
4 photographs of current or former human resource, labor  
5 relations, or employee relations directors, assistant  
6 directors, managers, or assistant managers of any local  
7 government agency or water management district whose duties  
8 include hiring and firing employees, labor contract  
9 negotiation, administration, or other personnel-related  
10 duties; the names, home addresses, telephone numbers, and  
11 places of employment of the spouses and children of such  
12 personnel; and the names and locations of schools and day care  
13 facilities attended by the children of such personnel are  
14 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
15 Constitution.

16           3. The home addresses, telephone numbers, social  
17 security numbers, and photographs of current or former United  
18 States attorneys and assistant United States attorneys; the  
19 home addresses, telephone numbers, social security numbers,  
20 photographs, and places of employment of the spouses and  
21 children of current or former United States attorneys and  
22 assistant United States attorneys; and the names and locations  
23 of schools and day care facilities attended by the children of  
24 current or former United States attorneys and assistant United  
25 States attorneys are exempt from s. 119.07(1) and s. 24(a),  
26 Art. I of the State Constitution. This subparagraph is subject  
27 to the Open Government Sunset Review Act in accordance with s.  
28 119.15 and shall stand repealed on October 2, 2009, unless  
29 reviewed and saved from repeal through reenactment by the  
30 Legislature.

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1           4. The home addresses, telephone numbers, social  
2 security numbers, and photographs of current or former judges  
3 of United States Courts of Appeal, United States district  
4 judges, and United States magistrate judges; the home  
5 addresses, telephone numbers, social security numbers,  
6 photographs, and places of employment of the spouses and  
7 children of current or former judges of United States Courts  
8 of Appeal, United States district judges, and United States  
9 magistrate judges; and the names and locations of schools and  
10 day care facilities attended by the children of current or  
11 former judges of United States Courts of Appeal, United States  
12 district judges, and United States magistrate judges are  
13 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
14 Constitution. This subparagraph is subject to the Open  
15 Government Sunset Review Act in accordance with s. 119.15 and  
16 shall stand repealed on October 2, 2009, unless reviewed and  
17 saved from repeal through reenactment by the Legislature.

18           5. The home addresses, telephone numbers, and  
19 photographs of current or former code enforcement officers;  
20 the names, home addresses, telephone numbers, and places of  
21 employment of the spouses and children of such personnel; and  
22 the names and locations of schools and day care facilities  
23 attended by the children of such personnel are exempt from s.  
24 119.07(1) and s. 24(a), Art. I of the State Constitution.

25           6. The home addresses, telephone numbers, places of  
26 employment, and photographs of current or former guardians ad  
27 litem, as defined in s. 39.820, and the names, home addresses,  
28 telephone numbers, and places of employment of the spouses and  
29 children of such persons, are exempt from s. 119.07(1) and s.  
30 24(a), Art. I of the State Constitution, if the guardian ad  
31 litem provides a written statement that the guardian ad litem

1 | has made reasonable efforts to protect such information from  
2 | being accessible through other means available to the public.  
3 | This subparagraph is subject to the Open Government Sunset  
4 | Review Act in accordance with s. 119.15 and shall stand  
5 | repealed on October 2, 2010, unless reviewed and saved from  
6 | repeal through reenactment by the Legislature.

7 |         7. The home addresses, telephone numbers, and  
8 | photographs of current or former juvenile probation officers,  
9 | juvenile probation supervisors, detention superintendents,  
10 | assistant detention superintendents, senior juvenile detention  
11 | officers, juvenile detention officer supervisors, juvenile  
12 | detention officers, house parents I and II, house parent  
13 | supervisors, group treatment leaders, group treatment leader  
14 | supervisors, rehabilitation therapists, and social services  
15 | counselors of the Department of Juvenile Justice; the names,  
16 | home addresses, telephone numbers, and places of employment of  
17 | spouses and children of such personnel; and the names and  
18 | locations of schools and day care facilities attended by the  
19 | children of such personnel are exempt from s. 119.07(1) and s.  
20 | 24(a), Art. I of the State Constitution. This subparagraph is  
21 | subject to the Open Government Sunset Review Act in accordance  
22 | with s. 119.15 and shall stand repealed on October 2, 2011,  
23 | unless reviewed and saved from repeal through reenactment by  
24 | the Legislature.

25 |         8. The home addresses, telephone numbers, and  
26 | photographs of current or former investigators of the  
27 | Commission on Ethics and current or former investigators of a  
28 | Commission on Ethics and Public Trust established by any  
29 | county as defined in s. 125.011(1) or by any municipality as  
30 | defined in s. 165.031(4); the names, home addresses, telephone  
31 | numbers, and places of employment of spouses and children of

1 such investigators; and the names and locations of schools and  
2 day care facilities attended by the children of such  
3 investigators are exempt from s. 119.07(1) and s. 24(a), Art.  
4 I of the State Constitution. This subparagraph is subject to  
5 the Open Government Sunset Review Act in accordance with s.  
6 119.15 and shall stand repealed on October 2, 2012, unless  
7 reviewed and saved from repeal through reenactment by the  
8 Legislature.

9 ~~9.8.~~ An agency that is the custodian of the personal  
10 information specified in subparagraph 1., subparagraph 2.,  
11 subparagraph 3., subparagraph 4., subparagraph 5.,  
12 subparagraph 6., ~~or~~ subparagraph 7., or subparagraph 8. and  
13 that is not the employer of the officer, employee, justice,  
14 judge, or other person specified in subparagraph 1.,  
15 subparagraph 2., subparagraph 3., subparagraph 4.,  
16 subparagraph 5., subparagraph 6., ~~or~~ subparagraph 7., or  
17 subparagraph 8. shall maintain the exempt status of the  
18 personal information only if the officer, employee, justice,  
19 judge, other person, or employing agency of the designated  
20 employee submits a written request for maintenance of the  
21 exemption to the custodial agency.

22 Section 2. The Legislature finds that it is a public  
23 necessity that the home addresses, telephone numbers, and  
24 photographs of current or former investigators of the  
25 Commission on Ethics and current or former investigators of a  
26 Commission on Ethics and Public Trust established by any  
27 county as defined in s. 125.011(1), Florida Statutes, or by  
28 any municipality as defined in s. 165.031(4), Florida  
29 Statutes; the names, home addresses, telephone numbers, and  
30 places of employment of spouses and children of such  
31 investigators; and the names and locations of schools and day

1 care facilities attended by the children of such investigators  
2 be made exempt from public-records requirements. This  
3 exemption is justified because, if such information were not  
4 made exempt from public-records requirements, such  
5 investigators or the family members of such investigators  
6 could be harmed or threatened with harm by a person under  
7 investigation by the Commission on Ethics or a county or  
8 municipal Commission on Ethics and Public Trust.

9           Section 3. This act shall take effect October 1, 2007.

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