1

A bill to be entitled

2 An act relating to public records; amending s. 119.071, 3 F.S.; creating exemptions from public records requirements for the home addresses and telephone numbers of general 4 magistrates, special magistrates, judges of compensation 5 claims, administrative law judges of the Division of 6 7 Administrative Hearings, and child support enforcement hearing officers, the home addresses, telephone numbers, 8 9 and places of employment of the spouses and children of general magistrates, special magistrates, judges of 10 compensation claims, administrative law judges of the 11 Division of Administrative Hearings, and child support 12 enforcement hearing officers, and the names and locations 13 of schools and day care facilities attended by the 14 children of general magistrates, special magistrates, 15 16 judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child 17 support enforcement hearing officers; requiring reasonable 18 19 efforts by the magistrates and hearing officers to prevent 20 access through other means; providing for legislative review and repeal of the exemptions; providing a statement 21 of public necessity; providing an effective date. 22 23 24 Be It Enacted by the Legislature of the State of Florida: 25 26 Section 1. Paragraph (d) of subsection (4) of section 27 119.071, Florida Statutes, is amended to read: 28 119.071 General exemptions from inspection or copying of Page 1 of 9

CODING: Words stricken are deletions; words underlined are additions.

hb0639-01-c1

29 public records.--

30

(4) AGENCY PERSONNEL INFORMATION. --

The home addresses, telephone numbers, social 31 (d)1.a. security numbers, and photographs of active or former law 32 enforcement personnel, including correctional and correctional 33 probation officers, personnel of the Department of Children and 34 35 Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal 36 37 activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and 38 personnel of the Department of Revenue or local governments 39 whose responsibilities include revenue collection and 40 enforcement or child support enforcement; the home addresses, 41 telephone numbers, social security numbers, photographs, and 42 places of employment of the spouses and children of such 43 44 personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt 45 from s. 119.07(1). The home addresses, telephone numbers, and 46 47 photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and 48 49 places of employment of the spouses and children of such 50 firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters 51 are exempt from s. 119.07(1). The home addresses and telephone 52 53 numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; 54 the home addresses, telephone numbers, and places of employment 55 of the spouses and children of justices and judges; and the 56 Page 2 of 9

CODING: Words stricken are deletions; words underlined are additions.

57 names and locations of schools and day care facilities attended 58 by the children of justices and judges are exempt from s. 59 119.07(1). The home addresses, telephone numbers, social 60 security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or 61 assistant statewide prosecutors; the home addresses, telephone 62 63 numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former 64 65 state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names 66 67 and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state 68 attorneys, statewide prosecutors, or assistant statewide 69 70 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of 71 the State Constitution.

72 b. The home addresses and telephone numbers of general magistrates, special magistrates, judges of compensation claims, 73 74 administrative law judges of the Division of Administrative 75 Hearings, and child support enforcement hearing officers; the 76 home addresses, telephone numbers, and places of employment of 77 the spouses and children of general magistrates, special 78 magistrates, judges of compensation claims, administrative law 79 judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and 80 locations of schools and day care facilities attended by the 81 children of general magistrates, special magistrates, judges of 82 compensation claims, administrative law judges of the Division 83 of Administrative Hearings, and child support enforcement 84

Page 3 of 9

CODING: Words stricken are deletions; words underlined are additions.

85 hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. 86 I of the State Constitution if the general magistrate, special 87 magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child 88 89 support enforcement hearing officer provides a written statement 90 that the general magistrate, special magistrate, judge of 91 compensation claims, administrative law judge of the Division of 92 Administrative Hearings, or child support enforcement hearing 93 officer has made reasonable efforts to protect such information 94 from being accessible through other means available to the 95 public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand 96 repealed on October 2, 2013, unless reviewed and saved from 97 98 repeal through reenactment by the Legislature.

99 2. The home addresses, telephone numbers, and photographs 100 of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or 101 102 assistant managers of any local government agency or water 103 management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other 104 105 personnel-related duties; the names, home addresses, telephone 106 numbers, and places of employment of the spouses and children of 107 such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are 108 exempt from s. 119.07(1) and s. 24(a), Art. I of the State 109 Constitution. 110

111 3. The home addresses, telephone numbers, social security 112 numbers, and photographs of current or former United States Page 4 of 9

CODING: Words stricken are deletions; words underlined are additions.

hb0639-01-c1

113 attorneys and assistant United States attorneys; the home 114 addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and 115 116 children of current or former United States attorneys and 117 assistant United States attorneys; and the names and locations of schools and day care facilities attended by the children of 118 119 current or former United States attorneys and assistant United States attorneys are exempt from s. 119.07(1) and s. 24(a), Art. 120 121 I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 122 123 and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature. 124

The home addresses, telephone numbers, social security 125 4. numbers, and photographs of current or former judges of United 126 127 States Courts of Appeal, United States district judges, and 128 United States magistrate judges; the home addresses, telephone numbers, social security numbers, photographs, and places of 129 employment of the spouses and children of current or former 130 131 judges of United States Courts of Appeal, United States district judges, and United States magistrate judges; and the names and 132 133 locations of schools and day care facilities attended by the children of current or former judges of United States Courts of 134 Appeal, United States district judges, and United States 135 magistrate judges are exempt from s. 119.07(1) and s. 24(a), 136 Art. I of the State Constitution. This subparagraph is subject 137 to the Open Government Sunset Review Act in accordance with s. 138 119.15 and shall stand repealed on October 2, 2009, unless 139 reviewed and saved from repeal through reenactment by the 140 Page 5 of 9

CODING: Words stricken are deletions; words underlined are additions.

hb0639-01-c1

141 Legislature.

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

149 6. The home addresses, telephone numbers, places of employment, and photographs of current or former guardians ad 150 151 litem, as defined in s. 39.820, and the names, home addresses, telephone numbers, and places of employment of the spouses and 152 children of such persons, are exempt from s. 119.07(1) and s. 153 154 24(a), Art. I of the State Constitution, if the guardian ad 155 litem provides a written statement that the guardian ad litem 156 has made reasonable efforts to protect such information from being accessible through other means available to the public. 157 158 This subparagraph is subject to the Open Government Sunset 159 Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal 160 161 through reenactment by the Legislature.

162 7. The home addresses, telephone numbers, and photographs 163 of current or former juvenile probation officers, juvenile 164 probation supervisors, detention superintendents, assistant 165 detention superintendents, senior juvenile detention officers, 166 juvenile detention officer supervisors, juvenile detention 167 officers, house parents I and II, house parent supervisors, 168 group treatment leaders, group treatment leader supervisors,

Page 6 of 9

CODING: Words stricken are deletions; words underlined are additions.

hb0639-01-c1

169 rehabilitation therapists, and social services counselors of the 170 Department of Juvenile Justice; the names, home addresses, telephone numbers, and places of employment of spouses and 171 children of such personnel; and the names and locations of 172 173 schools and day care facilities attended by the children of such 174 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of 175 the State Constitution. This subparagraph is subject to the Open 176 Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and 177 178 saved from repeal through reenactment by the Legislature.

179 8. An agency that is the custodian of the personal information specified in subparagraph 1., subparagraph 2., 180 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 181 182 6., or subparagraph 7. and that is not the employer of the officer, employee, justice, judge, or other person specified in 183 184 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., or subparagraph 7. shall 185 186 maintain the exempt status of the personal information only if 187 the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written 188 189 request for maintenance of the exemption to the custodial 190 agency.

Section 2. <u>The Legislature finds that it is a public</u> <u>necessity that the home addresses and telephone numbers of</u> <u>general magistrates, special magistrates, judges of compensation</u> <u>claims, administrative law judges of the Division of</u> <u>Administrative Hearings, and child support enforcement hearing</u> <u>officers be made exempt from public records requirements. The</u>

Page 7 of 9

CODING: Words stricken are deletions; words underlined are additions.

2008

197	Legislature also finds that it is a public necessity that the
198	home addresses, telephone numbers, and places of employment of
199	the spouses and children of general magistrates, special
200	magistrates, judges of compensation claims, administrative law
201	judges of the Division of Administrative Hearings, and child
202	support enforcement hearing officers be made exempt from public
203	records requirements. The Legislature also finds that it is a
204	public necessity that the names and locations of schools and day
205	care facilities attended by the children of general magistrates,
206	special magistrates, judges of compensation claims,
207	administrative law judges of the Division of Administrative
208	Hearings, and child support enforcement hearing officers be made
209	exempt from public records requirements. The Legislature finds
210	that these exemptions shall be subject to the general
211	magistrate, special magistrate, judge of compensation claims,
212	administrative law judge of the Division of Administrative
213	Hearings, or child support enforcement hearing officer providing
214	a written statement that the general magistrate, special
215	magistrate, judge of compensation claims, administrative law
216	judge of the Division of Administrative Hearings, or child
217	support enforcement hearing officer has made reasonable efforts
218	to protect such information from being accessible through other
219	means available to the public. Release of such identification
220	and location information might place such officials and their
221	family members in danger of physical and emotional harm from
222	disgruntled criminal defendants or litigants. Therefore, the
223	harm that might result from the release of the information

Page 8 of 9

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

FLORIDA HOUSE OF REPRESENTATIVES	F	L	0	R		D	Α		Н	0	U	S	Е	0	F	R		E	Р	R	Е	S	Е	Ν	Т	Α	Т		V	Е	S
----------------------------------	---	---	---	---	--	---	---	--	---	---	---	---	---	---	---	---	--	---	---	---	---	---	---	---	---	---	---	--	---	---	---

2008

224	outweighs any public benefit that could be derived from
225	disclosure of the information.
226	Section 3. This act shall take effect July 1, 2008.

Page 9 of 9

CODING: Words stricken are deletions; words underlined are additions.