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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/11/2008	.	
	.	
	.	

1 The Committee on Judiciary (Deutch) recommended the following
 2 **amendment:**

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. Paragraph (d) of subsection (4) of section
 8 119.071, Florida Statutes, is amended to read:

9 119.071 General exemptions from inspection or copying of
 10 public records.--

11 (4) AGENCY PERSONNEL INFORMATION.--

12 (d)1.a. The home addresses, telephone numbers, social
 13 security numbers, and photographs of active or former law
 14 enforcement personnel, including correctional and correctional
 15 probation officers, personnel of the Department of Children and

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16 Family Services whose duties include the investigation of abuse,
17 neglect, exploitation, fraud, theft, or other criminal
18 activities, personnel of the Department of Health whose duties
19 are to support the investigation of child abuse or neglect, and
20 personnel of the Department of Revenue or local governments
21 whose responsibilities include revenue collection and
22 enforcement or child support enforcement; the home addresses,
23 telephone numbers, social security numbers, photographs, and
24 places of employment of the spouses and children of such
25 personnel; and the names and locations of schools and day care
26 facilities attended by the children of such personnel are exempt
27 from s. 119.07(1). The home addresses, telephone numbers, and
28 photographs of firefighters certified in compliance with s.
29 633.35; the home addresses, telephone numbers, photographs, and
30 places of employment of the spouses and children of such
31 firefighters; and the names and locations of schools and day
32 care facilities attended by the children of such firefighters
33 are exempt from s. 119.07(1). The home addresses and telephone
34 numbers of justices of the Supreme Court, district court of
35 appeal judges, circuit court judges, and county court judges;
36 the home addresses, telephone numbers, and places of employment
37 of the spouses and children of justices and judges; and the
38 names and locations of schools and day care facilities attended
39 by the children of justices and judges are exempt from s.
40 119.07(1). The home addresses, telephone numbers, social
41 security numbers, and photographs of current or former state
42 attorneys, assistant state attorneys, statewide prosecutors, or
43 assistant statewide prosecutors; the home addresses, telephone

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44 numbers, social security numbers, photographs, and places of
45 employment of the spouses and children of current or former
46 state attorneys, assistant state attorneys, statewide
47 prosecutors, or assistant statewide prosecutors; and the names
48 and locations of schools and day care facilities attended by the
49 children of current or former state attorneys, assistant state
50 attorneys, statewide prosecutors, or assistant statewide
51 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of
52 the State Constitution.

53 b. The home addresses and telephone numbers of general
54 magistrates, special magistrates, and child support enforcement
55 hearing officers; the home addresses, telephone numbers, and
56 places of employment of the spouses and children of general
57 magistrates, special magistrates, and child support enforcement
58 hearing officers; and the names and locations of schools and day
59 care facilities attended by the children of general magistrates,
60 special magistrates, and child support enforcement hearing
61 officers are exempt from s. 119.07(1) and s. 24(a), Art. I of
62 the State Constitution, if the general magistrate, special
63 magistrate, or child support hearing officer provides a written
64 statement that the general magistrate, special magistrate, or
65 child support hearing officer has made reasonable efforts to
66 protect such information from being accessible through other
67 means available to the public. This sub-subparagraph is subject
68 to the Open Government Sunset Review Act in accordance with s.
69 119.15 and shall stand repealed on October 2, 2013, unless
70 reviewed and saved from repeal through reenactment by the
71 Legislature.

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72 3. The home addresses, telephone numbers, social security
73 numbers, and photographs of current or former United States
74 attorneys and assistant United States attorneys; the home
75 addresses, telephone numbers, social security numbers,
76 photographs, and places of employment of the spouses and
77 children of current or former United States attorneys and
78 assistant United States attorneys; and the names and locations
79 of schools and day care facilities attended by the children of
80 current or former United States attorneys and assistant United
81 States attorneys are exempt from s. 119.07(1) and s. 24(a), Art.
82 I of the State Constitution. This subparagraph is subject to the
83 Open Government Sunset Review Act in accordance with s. 119.15
84 and shall stand repealed on October 2, 2009, unless reviewed and
85 saved from repeal through reenactment by the Legislature.

86 4. The home addresses, telephone numbers, social security
87 numbers, and photographs of current or former judges of United
88 States Courts of Appeal, United States district judges, and
89 United States magistrate judges; the home addresses, telephone
90 numbers, social security numbers, photographs, and places of
91 employment of the spouses and children of current or former
92 judges of United States Courts of Appeal, United States district
93 judges, and United States magistrate judges; and the names and
94 locations of schools and day care facilities attended by the
95 children of current or former judges of United States Courts of
96 Appeal, United States district judges, and United States
97 magistrate judges are exempt from s. 119.07(1) and s. 24(a),
98 Art. I of the State Constitution. This subparagraph is subject
99 to the Open Government Sunset Review Act in accordance with s.

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100 119.15 and shall stand repealed on October 2, 2009, unless
101 reviewed and saved from repeal through reenactment by the
102 Legislature.

103 5. The home addresses, telephone numbers, and photographs
104 of current or former code enforcement officers; the names, home
105 addresses, telephone numbers, and places of employment of the
106 spouses and children of such personnel; and the names and
107 locations of schools and day care facilities attended by the
108 children of such personnel are exempt from s. 119.07(1) and s.
109 24(a), Art. I of the State Constitution.

110 6. The home addresses, telephone numbers, places of
111 employment, and photographs of current or former guardians ad
112 litem, as defined in s. 39.820, and the names, home addresses,
113 telephone numbers, and places of employment of the spouses and
114 children of such persons, are exempt from s. 119.07(1) and s.
115 24(a), Art. I of the State Constitution, if the guardian ad
116 litem provides a written statement that the guardian ad litem
117 has made reasonable efforts to protect such information from
118 being accessible through other means available to the public.
119 This subparagraph is subject to the Open Government Sunset
120 Review Act in accordance with s. 119.15 and shall stand repealed
121 on October 2, 2010, unless reviewed and saved from repeal
122 through reenactment by the Legislature.

123 7. The home addresses, telephone numbers, and photographs
124 of current or former juvenile probation officers, juvenile
125 probation supervisors, detention superintendents, assistant
126 detention superintendents, senior juvenile detention officers,
127 juvenile detention officer supervisors, juvenile detention

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128 officers, house parents I and II, house parent supervisors,
129 group treatment leaders, group treatment leader supervisors,
130 rehabilitation therapists, and social services counselors of the
131 Department of Juvenile Justice; the names, home addresses,
132 telephone numbers, and places of employment of spouses and
133 children of such personnel; and the names and locations of
134 schools and day care facilities attended by the children of such
135 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
136 the State Constitution. This subparagraph is subject to the Open
137 Government Sunset Review Act in accordance with s. 119.15 and
138 shall stand repealed on October 2, 2011, unless reviewed and
139 saved from repeal through reenactment by the Legislature.

140 8. An agency that is the custodian of the personal
141 information specified in subparagraph 1., subparagraph 2.,
142 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph
143 6., or subparagraph 7. and that is not the employer of the
144 officer, employee, justice, judge, or other person specified in
145 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph
146 4., subparagraph 5., subparagraph 6., or subparagraph 7. shall
147 maintain the exempt status of the personal information only if
148 the officer, employee, justice, judge, other person, or
149 employing agency of the designated employee submits a written
150 request for maintenance of the exemption to the custodial
151 agency.

152 Section 2. The Legislature finds that it is a public
153 necessity that the home addresses and telephone numbers of
154 general magistrates, special magistrates, and child support
155 enforcement hearing officers be made exempt from public records



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156 requirements. The Legislature also finds that it is a public
 157 necessity that the home addresses, telephone numbers, and places
 158 of employment of the spouses and children of general
 159 magistrates, special magistrates, and child support enforcement
 160 hearing officers be made exempt from public records
 161 requirements. The Legislature also finds that it is a public
 162 necessity that the names and locations of schools and day care
 163 facilities attended by the children of general magistrates,
 164 special magistrates, and child support enforcement hearing
 165 officers be made exempt from public records requirements. The
 166 legislature finds that these exemptions shall be subject to the
 167 general magistrate, special magistrate, or child support hearing
 168 officer providing a written statement that the general
 169 magistrate, special magistrate, or child support hearing officer
 170 has made reasonable efforts to protect such information from
 171 being accessible through other means available to the public.
 172 Release of such identifying and location information might place
 173 such officials and their family members in danger of physical
 174 and emotional harm from disgruntled criminal defendants or
 175 litigants. Therefore, the harm that might result from the
 176 release of the information outweighs any public benefit that
 177 could be derived from disclosure of the information.

178 Section 3. This act shall take effect July 1, 2008.

181 ===== T I T L E A M E N D M E N T =====

182 And the title is amended as follows:

183 Delete everything before the enacting clause

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184 and insert:

185 A bill to be entitled

186 An act relating to public records; amending s. 119.071,

187 F.S.; creating exemptions from public records requirements

188 for the home addresses and telephone numbers of general

189 magistrates, special magistrates, and child support

190 enforcement hearing officers; the home addresses,

191 telephone numbers, and places of employment of the spouses

192 and children of general magistrates, special magistrates,

193 and child support enforcement hearing officers; and the

194 names and locations of schools and day care facilities

195 attended by the children of general magistrates, special

196 magistrates, and child support enforcement hearing

197 officers; requiring reasonable efforts by the magistrates

198 and hearing officers to prevent access through other

199 means; providing for review and repeal of the exemptions;

200 providing a statement of public necessity; providing an

201 effective date.