

By the Committee on Judiciary; and Senators Rich, Joyner and Deutch

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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
4 for the home addresses and telephone numbers of general
5 magistrates, special magistrates, and child support
6 enforcement hearing officers, the home addresses,
7 telephone numbers, and places of employment of the spouses
8 and children of general magistrates, special magistrates,
9 and child support enforcement hearing officers, and the
10 names and locations of schools and day care facilities
11 attended by the children of general magistrates, special
12 magistrates, and child support enforcement hearing
13 officers; requiring reasonable efforts by the magistrates
14 and hearing officers to prevent access through other
15 means; providing for legislative review and repeal of the
16 exemptions; providing a statement of public necessity;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (d) of subsection (4) of section
22 119.071, Florida Statutes, is amended to read:

23 119.071 General exemptions from inspection or copying of
24 public records.--

25 (4) AGENCY PERSONNEL INFORMATION.--

26 (d)1.a. The home addresses, telephone numbers, social
27 security numbers, and photographs of active or former law
28 enforcement personnel, including correctional and correctional
29 probation officers, personnel of the Department of Children and

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

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59 | of current or former state attorneys, assistant state attorneys,
60 | statewide prosecutors, or assistant statewide prosecutors; and
61 | the names and locations of schools and day care facilities
62 | attended by the children of current or former state attorneys,
63 | assistant state attorneys, statewide prosecutors, or assistant
64 | statewide prosecutors are exempt from s. 119.07(1) and s. 24(a),
65 | Art. I of the State Constitution.

66 | b. The home addresses and telephone numbers of general
67 | magistrates, special magistrates, and child support enforcement
68 | hearing officers; the home addresses, telephone numbers, and
69 | places of employment of the spouses and children of general
70 | magistrates, special magistrates, and child support enforcement
71 | hearing officers; and the names and locations of schools and day
72 | care facilities attended by the children of general magistrates,
73 | special magistrates, and child support enforcement hearing
74 | officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the
75 | State Constitution if the general magistrate, special magistrate,
76 | or child support hearing officer provides a written statement
77 | that the general magistrate, special magistrate, or child support
78 | hearing officer has made reasonable efforts to protect such
79 | information from being accessible through other means available
80 | to the public. This sub-subparagraph is subject to the Open
81 | Government Sunset Review Act in accordance with s. 119.15 and
82 | shall stand repealed on October 2, 2013, unless reviewed and
83 | saved from repeal through reenactment by the Legislature.

84 | 2. The home addresses, telephone numbers, and photographs
85 | of current or former human resource, labor relations, or employee
86 | relations directors, assistant directors, managers, or assistant
87 | managers of any local government agency or water management

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88 district whose duties include hiring and firing employees, labor
89 contract negotiation, administration, or other personnel-related
90 duties; the names, home addresses, telephone numbers, and places
91 of employment of the spouses and children of such personnel; and
92 the names and locations of schools and day care facilities
93 attended by the children of such personnel are exempt from s.
94 119.07(1) and s. 24(a), Art. I of the State Constitution.

95 3. The home addresses, telephone numbers, social security
96 numbers, and photographs of current or former United States
97 attorneys and assistant United States attorneys; the home
98 addresses, telephone numbers, social security numbers,
99 photographs, and places of employment of the spouses and children
100 of current or former United States attorneys and assistant United
101 States attorneys; and the names and locations of schools and day
102 care facilities attended by the children of current or former
103 United States attorneys and assistant United States attorneys are
104 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
105 Constitution. This subparagraph is subject to the Open Government
106 Sunset Review Act in accordance with s. 119.15 and shall stand
107 repealed on October 2, 2009, unless reviewed and saved from
108 repeal through reenactment by the Legislature.

109 4. The home addresses, telephone numbers, social security
110 numbers, and photographs of current or former judges of United
111 States Courts of Appeal, United States district judges, and
112 United States magistrate judges; the home addresses, telephone
113 numbers, social security numbers, photographs, and places of
114 employment of the spouses and children of current or former
115 judges of United States Courts of Appeal, United States district
116 judges, and United States magistrate judges; and the names and

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117 | locations of schools and day care facilities attended by the
118 | children of current or former judges of United States Courts of
119 | Appeal, United States district judges, and United States
120 | magistrate judges are exempt from s. 119.07(1) and s. 24(a), Art.
121 | I of the State Constitution. This subparagraph is subject to the
122 | Open Government Sunset Review Act in accordance with s. 119.15
123 | and shall stand repealed on October 2, 2009, unless reviewed and
124 | saved from repeal through reenactment by the Legislature.

125 | 5. The home addresses, telephone numbers, and photographs
126 | of current or former code enforcement officers; the names, home
127 | addresses, telephone numbers, and places of employment of the
128 | spouses and children of such personnel; and the names and
129 | locations of schools and day care facilities attended by the
130 | children of such personnel are exempt from s. 119.07(1) and s.
131 | 24(a), Art. I of the State Constitution.

132 | 6. The home addresses, telephone numbers, places of
133 | employment, and photographs of current or former guardians ad
134 | litem, as defined in s. 39.820, and the names, home addresses,
135 | telephone numbers, and places of employment of the spouses and
136 | children of such persons, are exempt from s. 119.07(1) and s.
137 | 24(a), Art. I of the State Constitution, if the guardian ad litem
138 | provides a written statement that the guardian ad litem has made
139 | reasonable efforts to protect such information from being
140 | accessible through other means available to the public. This
141 | subparagraph is subject to the Open Government Sunset Review Act
142 | in accordance with s. 119.15 and shall stand repealed on October
143 | 2, 2010, unless reviewed and saved from repeal through
144 | reenactment by the Legislature.

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145 7. The home addresses, telephone numbers, and photographs
146 of current or former juvenile probation officers, juvenile
147 probation supervisors, detention superintendents, assistant
148 detention superintendents, senior juvenile detention officers,
149 juvenile detention officer supervisors, juvenile detention
150 officers, house parents I and II, house parent supervisors, group
151 treatment leaders, group treatment leader supervisors,
152 rehabilitation therapists, and social services counselors of the
153 Department of Juvenile Justice; the names, home addresses,
154 telephone numbers, and places of employment of spouses and
155 children of such personnel; and the names and locations of
156 schools and day care facilities attended by the children of such
157 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
158 the State Constitution. This subparagraph is subject to the Open
159 Government Sunset Review Act in accordance with s. 119.15 and
160 shall stand repealed on October 2, 2011, unless reviewed and
161 saved from repeal through reenactment by the Legislature.

162 8. An agency that is the custodian of the personal
163 information specified in subparagraph 1., subparagraph 2.,
164 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph
165 6., or subparagraph 7. and that is not the employer of the
166 officer, employee, justice, judge, or other person specified in
167 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph
168 4., subparagraph 5., subparagraph 6., or subparagraph 7. shall
169 maintain the exempt status of the personal information only if
170 the officer, employee, justice, judge, other person, or employing
171 agency of the designated employee submits a written request for
172 maintenance of the exemption to the custodial agency.

173 Section 2. The Legislature finds that it is a public

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174 necessity that the home addresses and telephone numbers of
175 general magistrates, special magistrates, and child support
176 enforcement hearing officers be made exempt from public-records
177 requirements. The Legislature also finds that it is a public
178 necessity that the home addresses, telephone numbers, and places
179 of employment of the spouses and children of general magistrates,
180 special magistrates, and child support enforcement hearing
181 officers be made exempt from public-records requirements. The
182 Legislature also finds that it is a public necessity that the
183 names and locations of schools and day care facilities attended
184 by the children of general magistrates, special magistrates, and
185 child support enforcement hearing officers be made exempt from
186 public-records requirements. The Legislature finds that these
187 exemptions shall be subject to the general magistrate, special
188 magistrate, or child support hearing officer providing a written
189 statement that the general magistrate, special magistrate, or
190 child support hearing officer has made reasonable efforts to
191 protect such information from being accessible through other
192 means available to the public. Release of such identifying and
193 location information might place such officials and their family
194 members in danger of physical and emotional harm from disgruntled
195 criminal defendants or litigants. Therefore, the harm that might
196 result from the release of the information outweighs any public
197 benefit that could be derived from disclosure of the information.

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