

By the Committees on Governmental Operations; Judiciary; and
Senators Rich, Joyner, Deutch, Lawson and Dean

585-06620-08

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

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Paragraph (d) of subsection (4) of section
28 119.071, Florida Statutes, is amended to read:

585-06620-08

2008766c2

29 119.071 General exemptions from inspection or copying of
30 public records.--

31 (4) AGENCY PERSONNEL INFORMATION.--

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

585-06620-08

2008766c2

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

72 b. The home addresses and telephone numbers of general
73 magistrates, special magistrates, judges of compensation claims,
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
80 support enforcement hearing officers; and the names and locations
81 of schools and day care facilities attended by the children of
82 general magistrates, special magistrates, judges of compensation
83 claims, administrative law judges of the Division of
84 Administrative Hearings, and child support enforcement hearing
85 officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the
86 State Constitution if the general magistrate, special magistrate,

585-06620-08

2008766c2

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

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

109 3. The home addresses, telephone numbers, social security
110 numbers, and photographs of current or former United States
111 attorneys and assistant United States attorneys; the home
112 addresses, telephone numbers, social security numbers,
113 photographs, and places of employment of the spouses and children
114 of current or former United States attorneys and assistant United
115 States attorneys; and the names and locations of schools and day

585-06620-08

2008766c2

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

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

139 5. The home addresses, telephone numbers, and photographs
140 of current or former code enforcement officers; the names, home
141 addresses, telephone numbers, and places of employment of the
142 spouses and children of such personnel; and the names and
143 locations of schools and day care facilities attended by the

585-06620-08

2008766c2

144 children of such personnel are exempt from s. 119.07(1) and s.
145 24(a), Art. I of the State Constitution.

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

159 7. The home addresses, telephone numbers, and photographs
160 of current or former juvenile probation officers, juvenile
161 probation supervisors, detention superintendents, assistant
162 detention superintendents, senior juvenile detention officers,
163 juvenile detention officer supervisors, juvenile detention
164 officers, house parents I and II, house parent supervisors, group
165 treatment leaders, group treatment leader supervisors,
166 rehabilitation therapists, and social services counselors of the
167 Department of Juvenile Justice; the names, home addresses,
168 telephone numbers, and places of employment of spouses and
169 children of such personnel; and the names and locations of
170 schools and day care facilities attended by the children of such
171 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
172 the State Constitution. This subparagraph is subject to the Open

585-06620-08

2008766c2

173 Government Sunset Review Act in accordance with s. 119.15 and
174 shall stand repealed on October 2, 2011, unless reviewed and
175 saved from repeal through reenactment by the Legislature.

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

187 Section 2. The Legislature finds that it is a public
188 necessity that the home addresses and telephone numbers of
189 general magistrates, special magistrates, judges of compensation
190 claims, administrative law judges of the Division of
191 Administrative Hearings, and child support enforcement hearing
192 officers be made exempt from public-records requirements. The
193 Legislature also finds that it is a public necessity that the
194 home addresses, telephone numbers, and places of employment of
195 the spouses and children of general magistrates, special
196 magistrates, judges of compensation claims, administrative law
197 judges of the Division of Administrative Hearings, and child
198 support enforcement hearing officers be made exempt from public-
199 records requirements. The Legislature also finds that it is a
200 public necessity that the names and locations of schools and day
201 care facilities attended by the children of general magistrates,

585-06620-08

2008766c2

202 special magistrates, judges of compensation claims,
203 administrative law judges of the Division of Administrative
204 Hearings, and child support enforcement hearing officers be made
205 exempt from public-records requirements. The Legislature finds
206 that these exemptions shall be subject to the general magistrate,
207 special magistrate, judge of compensation claims, administrative
208 law judge of the Division of Administrative Hearings, or child
209 support hearing officer providing a written statement that the
210 general magistrate, special magistrate, judge of compensation
211 claims, administrative law judge of the Division of
212 Administrative Hearings, or child support hearing officer has
213 made reasonable efforts to protect such information from being
214 accessible through other means available to the public. Release
215 of such identifying and location information might place such
216 officials and their family members in danger of physical and
217 emotional harm from disgruntled criminal defendants or litigants.
218 Therefore, the harm that might result from the release of the
219 information outweighs any public benefit that could be derived
220 from disclosure of the information.

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