

By Senator Bennett

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1                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.071, F.S.; creating an exemption from public-  
4           records requirements for the identifying and location  
5           information of current or former investigators and  
6           inspectors of the Department of Business and  
7           Professional Regulation and the spouses and children  
8           of such personnel; providing for future review and  
9           repeal of the exemption under the Open Government  
10          Sunset Review Act; providing a statement of public  
11          necessity; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Paragraph (d) of subsection (4) of section  
16           119.071, Florida Statutes, is amended to read:

17           119.071 General exemptions from inspection or copying of  
18           public records.—

19           (4) AGENCY PERSONNEL INFORMATION.—

20           (d)1.a. The home addresses, telephone numbers, social  
21           security numbers, and photographs of active or former law  
22           enforcement personnel, including correctional and correctional  
23           probation officers, personnel of the Department of Children and  
24           Family Services whose duties include the investigation of abuse,  
25           neglect, exploitation, fraud, theft, or other criminal  
26           activities, personnel of the Department of Health whose duties  
27           are to support the investigation of child abuse or neglect, and  
28           personnel of the Department of Revenue or local governments  
29           whose responsibilities include revenue collection and

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30 enforcement or child support enforcement; the home addresses,  
31 telephone numbers, social security numbers, photographs, and  
32 places of employment of the spouses and children of such  
33 personnel; and the names and locations of schools and day care  
34 facilities attended by the children of such personnel are exempt  
35 from s. 119.07(1). The home addresses, telephone numbers, and  
36 photographs of firefighters certified in compliance with s.  
37 633.35; the home addresses, telephone numbers, photographs, and  
38 places of employment of the spouses and children of such  
39 firefighters; and the names and locations of schools and day  
40 care facilities attended by the children of such firefighters  
41 are exempt from s. 119.07(1). The home addresses and telephone  
42 numbers of justices of the Supreme Court, district court of  
43 appeal judges, circuit court judges, and county court judges;  
44 the home addresses, telephone numbers, and places of employment  
45 of the spouses and children of justices and judges; and the  
46 names and locations of schools and day care facilities attended  
47 by the children of justices and judges are exempt from s.  
48 119.07(1). The home addresses, telephone numbers, social  
49 security numbers, and photographs of current or former state  
50 attorneys, assistant state attorneys, statewide prosecutors, or  
51 assistant statewide prosecutors; the home addresses, telephone  
52 numbers, social security numbers, photographs, and places of  
53 employment of the spouses and children of current or former  
54 state attorneys, assistant state attorneys, statewide  
55 prosecutors, or assistant statewide prosecutors; and the names  
56 and locations of schools and day care facilities attended by the  
57 children of current or former state attorneys, assistant state  
58 attorneys, statewide prosecutors, or assistant statewide

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59 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of  
60 the State Constitution.

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

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88           2. The home addresses, telephone numbers, and photographs  
89 of current or former human resource, labor relations, or  
90 employee relations directors, assistant directors, managers, or  
91 assistant managers of any local government agency or water  
92 management district whose duties include hiring and firing  
93 employees, labor contract negotiation, administration, or other  
94 personnel-related duties; the names, home addresses, telephone  
95 numbers, and places of employment of the spouses and children of  
96 such personnel; and the names and locations of schools and day  
97 care facilities attended by the children of such personnel are  
98 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
99 Constitution.

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

114           4. The home addresses, telephone numbers, social security  
115 numbers, and photographs of current or former judges of United  
116 States Courts of Appeal, United States district judges, and

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

131 5. The home addresses, telephone numbers, and photographs  
132 of current or former code enforcement officers; the names, home  
133 addresses, telephone numbers, and places of employment of the  
134 spouses and children of such personnel; and the names and  
135 locations of schools and day care facilities attended by the  
136 children of such personnel are exempt from s. 119.07(1) and s.  
137 24(a), Art. I of the State Constitution.

138 6. The home addresses, telephone numbers, places of  
139 employment, and photographs of current or former guardians ad  
140 litem, as defined in s. 39.820, and the names, home addresses,  
141 telephone numbers, and places of employment of the spouses and  
142 children of such persons, are exempt from s. 119.07(1) and s.  
143 24(a), Art. I of the State Constitution, if the guardian ad  
144 litem provides a written statement that the guardian ad litem  
145 has made reasonable efforts to protect such information from

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146 being accessible through other means available to the public.  
147 This subparagraph is subject to the Open Government Sunset  
148 Review Act in accordance with s. 119.15 and shall stand repealed  
149 on October 2, 2010, unless reviewed and saved from repeal  
150 through reenactment by the Legislature.

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

168 8. The home addresses, telephone numbers, and photographs  
169 of current or former investigators and inspectors of the  
170 Department of Business and Professional Regulation; the names,  
171 home addresses, telephone numbers, and places of employment of  
172 the spouses and children of such personnel; and the names and  
173 locations of schools and day care facilities attended by the  
174 children of such personnel are exempt from s. 119.07(1) and s.

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175 24(a), Art. I of the State Constitution. This subparagraph is  
176 subject to the Open Government Sunset Review Act in accordance  
177 with s. 119.15, and shall stand repealed on October 2, 2014,  
178 unless reviewed and saved from repeal through reenactment by the  
179 Legislature.

180 ~~9.8.~~ An agency that is the custodian of the personal  
181 information specified in subparagraph 1., subparagraph 2.,  
182 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph  
183 6., ~~or~~ subparagraph 7., or subparagraph 8. and that is not the  
184 employer of the officer, employee, justice, judge, or other  
185 person specified in subparagraph 1., subparagraph 2.,  
186 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph  
187 6., ~~or~~ subparagraph 7., or subparagraph 8. shall maintain the  
188 exempt status of the personal information only if the officer,  
189 employee, justice, judge, other person, or employing agency of  
190 the designated employee submits a written request for  
191 maintenance of the exemption to the custodial agency.

192 Section 2. The Legislature finds that it is a public  
193 necessity that the home addresses, telephone numbers, and  
194 photographs of current or former investigators and inspectors of  
195 the Department of Business and Professional Regulation; the  
196 names, home addresses, telephone numbers, and places of  
197 employment of spouses and children of such personnel; and the  
198 names and locations of schools and day care facilities attended  
199 by the children of such personnel be made exempt from public-  
200 records requirements. This exemption is justified because, if  
201 this information were not made exempt from public-records  
202 requirements, the investigators, inspectors, or the family  
203 members of these investigators or inspectors could be harmed or

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204 threatened with harm by a current or former litigant or a person  
205 under investigation by the Department of Business and  
206 Professional Regulation. Therefore, the harm that might result  
207 from the release of the information outweighs any public benefit  
208 that could be derived from disclosure of the information.

209 Section 3. This act shall take effect July 1, 2009.