

By the Committee on Regulated Industries; and 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; requiring a written statement that  
9           reasonable efforts have been made to prevent access  
10          through other means; providing for future review and  
11          repeal of the exemption under the Open Government  
12          Sunset Review Act; providing a statement of public  
13          necessity; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Paragraph (d) of subsection (4) of section  
18           119.071, Florida Statutes, is amended to read:

19           119.071 General exemptions from inspection or copying of  
20           public records.—

21           (4) AGENCY PERSONNEL INFORMATION.—

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

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

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59 children of current or former state attorneys, assistant state  
60 attorneys, statewide prosecutors, or assistant statewide  
61 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of  
62 the State Constitution.

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

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88 October 2, 2013, unless reviewed and saved from repeal through  
89 reenactment by the Legislature.

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

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

116 4. The home addresses, telephone numbers, social security

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

133 5. The home addresses, telephone numbers, and photographs  
134 of current or former code enforcement officers; the names, home  
135 addresses, telephone numbers, and places of employment of the  
136 spouses and children of such personnel; and the names and  
137 locations of schools and day care facilities attended by the  
138 children of such personnel are exempt from s. 119.07(1) and s.  
139 24(a), Art. I of the State Constitution.

140 6. The home addresses, telephone numbers, places of  
141 employment, and photographs of current or former guardians ad  
142 litem, as defined in s. 39.820, and the names, home addresses,  
143 telephone numbers, and places of employment of the spouses and  
144 children of such persons, are exempt from s. 119.07(1) and s.  
145 24(a), Art. I of the State Constitution, if the guardian ad

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146 litem provides a written statement that the guardian ad litem  
147 has made reasonable efforts to protect such information from  
148 being accessible through other means available to the public.  
149 This subparagraph is subject to the Open Government Sunset  
150 Review Act in accordance with s. 119.15 and shall stand repealed  
151 on October 2, 2010, unless reviewed and saved from repeal  
152 through reenactment by the Legislature.

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

170 8. The home addresses, telephone numbers, and photographs  
171 of current or former investigators and inspectors of the  
172 Department of Business and Professional Regulation; the names,  
173 home addresses, telephone numbers, and places of employment of  
174 the spouses and children of such personnel; and the names and

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175 locations of schools and day care facilities attended by the  
176 children of such personnel are exempt from s. 119.07(1) and s.  
177 24(a), Art. I of the State Constitution, if the investigator or  
178 inspector provides a written statement that the investigator or  
179 inspector has made reasonable efforts to protect such  
180 information from being accessible through other means available  
181 to the public. This subparagraph is subject to the Open  
182 Government Sunset Review Act in accordance with s. 119.15, and  
183 shall stand repealed on October 2, 2014, unless reviewed and  
184 saved from repeal through reenactment by the Legislature.

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

197 Section 2. The Legislature finds that it is a public  
198 necessity that the home addresses, telephone numbers, and  
199 photographs of current or former investigators and inspectors of  
200 the Department of Business and Professional Regulation; the  
201 names, home addresses, telephone numbers, and places of  
202 employment of spouses and children of such personnel; and the  
203 names and locations of schools and day care facilities attended

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204 by the children of such personnel be made exempt from public-  
205 records requirements. This exemption is justified because, if  
206 this information were not made exempt from public-records  
207 requirements, the investigators, inspectors, or the family  
208 members of these investigators or inspectors could be harmed or  
209 threatened with harm by a current or former litigant or a person  
210 under investigation by the Department of Business and  
211 Professional Regulation. Department of Business and Professional  
212 Regulation investigators and inspectors perform an important  
213 regulatory function, which may result in the investigators and  
214 inspectors entering places of business or residences of victims,  
215 witnesses, licensees, or other individuals who are under  
216 investigation by the agency. In many instances, the individuals  
217 under investigation risk possible sanctions, including the loss  
218 of their livelihood. As a result, the individuals are not always  
219 willing participants in the investigation and have retaliated  
220 against the investigators and inspectors. The Department of  
221 Business and Professional Regulation has documented reports of  
222 intimidation, threats of violence, and other abuse. The  
223 investigators and inspectors have reported incidents where they  
224 were both threatened on the job and at their personal  
225 residences. Therefore, the harm that might result from the  
226 release of the information outweighs any public benefit that  
227 could be derived from disclosure of the information.

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