

By the Committee on Judiciary

590-01974-09

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1                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act; amending s. 119.071, F.S., relating  
4           to a public-records exemption for identification and  
5           location information of certain agency personnel;  
6           saving the exemption from repeal under the Open  
7           Government Sunset Review Act; deleting provisions  
8           providing for repeal of the exemption; relocating and  
9           revising the public-records exemption provided for  
10          identification and location information concerning  
11          federal attorneys, judges, and magistrates; defining  
12          the term "identification and location information";  
13          eliminating social security numbers from the scope of  
14          information covered by the public-records exemption;  
15          requiring a federal attorney, judge, or magistrate to  
16          submit a written statement that reasonable efforts  
17          have been made to protect the information from  
18          disclosure through other means; providing for future  
19          legislative review and repeal of the exemption;  
20          providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Paragraph (d) of subsection (4) of section  
25   119.071, Florida Statutes, is amended, and paragraph (i) is  
26   added to subsection (5) of that section, to read:

27           119.071 General exemptions from inspection or copying of  
28   public records.—

29           (4) AGENCY PERSONNEL INFORMATION.—

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30 (d)1.a. The home addresses, telephone numbers, social  
31 security numbers, and photographs of active or former law  
32 enforcement personnel, including correctional and correctional  
33 probation officers, personnel of the Department of Children and  
34 Family Services whose duties include the investigation of abuse,  
35 neglect, exploitation, fraud, theft, or other criminal  
36 activities, personnel of the Department of Health whose duties  
37 are to support the investigation of child abuse or neglect, and  
38 personnel of the Department of Revenue or local governments  
39 whose responsibilities include revenue collection and  
40 enforcement or child support enforcement; the home addresses,  
41 telephone numbers, social security numbers, photographs, and  
42 places of employment of the spouses and children of such  
43 personnel; and the names and locations of schools and day care  
44 facilities attended by the children of such personnel are exempt  
45 from s. 119.07(1).

46 b. The home addresses, telephone numbers, and photographs  
47 of firefighters certified in compliance with s. 633.35; the home  
48 addresses, telephone numbers, photographs, and places of  
49 employment of the spouses and children of such firefighters; and  
50 the names and locations of schools and day care facilities  
51 attended by the children of such firefighters are exempt from s.  
52 119.07(1).

53 c. The home addresses and telephone numbers of justices of  
54 the Supreme Court, district court of appeal judges, circuit  
55 court judges, and county court judges; the home addresses,  
56 telephone numbers, and places of employment of the spouses and  
57 children of justices and judges; and the names and locations of  
58 schools and day care facilities attended by the children of

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59 justices and judges are exempt from s. 119.07(1).

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

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

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

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

112 ~~3. The home addresses, telephone numbers, social security~~  
113 ~~numbers, and photographs of current or former United States~~  
114 ~~attorneys and assistant United States attorneys; the home~~  
115 ~~addresses, telephone numbers, social security numbers,~~  
116 ~~photographs, and places of employment of the spouses and~~

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

126 ~~4. The home addresses, telephone numbers, social security~~  
127 ~~numbers, and photographs of current or former judges of United~~  
128 ~~States Courts of Appeal, United States district judges, and~~  
129 ~~United States magistrate judges; the home addresses, telephone~~  
130 ~~numbers, social security numbers, photographs, and places of~~  
131 ~~employment of the spouses and children of current or former~~  
132 ~~judges of United States Courts of Appeal, United States district~~  
133 ~~judges, and United States magistrate judges; and the names and~~  
134 ~~locations of schools and day care facilities attended by the~~  
135 ~~children of current or former judges of United States Courts of~~  
136 ~~Appeal, United States district judges, and United States~~  
137 ~~magistrate judges are exempt from s. 119.07(1) and s. 24(a),~~  
138 ~~Art. I of the State Constitution. This subparagraph is subject~~  
139 ~~to the Open Government Sunset Review Act in accordance with s.~~  
140 ~~119.15 and shall stand repealed on October 2, 2009, unless~~  
141 ~~reviewed and saved from repeal through reenactment by the~~  
142 ~~Legislature.~~

143 ~~g.5.~~ The home addresses, telephone numbers, and photographs  
144 of current or former code enforcement officers; the names, home  
145 addresses, telephone numbers, and places of employment of the

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146 spouses and children of such personnel; and the names and  
147 locations of schools and day care facilities attended by the  
148 children of such personnel are exempt from s. 119.07(1) and s.  
149 24(a), Art. I of the State Constitution.

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

163 ~~i.7.~~ The home addresses, telephone numbers, and photographs  
164 of current or former juvenile probation officers, juvenile  
165 probation supervisors, detention superintendents, assistant  
166 detention superintendents, senior juvenile detention officers,  
167 juvenile detention officer supervisors, juvenile detention  
168 officers, house parents I and II, house parent supervisors,  
169 group treatment leaders, group treatment leader supervisors,  
170 rehabilitation therapists, and social services counselors of the  
171 Department of Juvenile Justice; the names, home addresses,  
172 telephone numbers, and places of employment of spouses and  
173 children of such personnel; and the names and locations of  
174 schools and day care facilities attended by the children of such

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175 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
176 the State Constitution. This sub-subparagraph ~~subparagraph~~ is  
177 subject to the Open Government Sunset Review Act in accordance  
178 with s. 119.15 and shall stand repealed on October 2, 2011,  
179 unless reviewed and saved from repeal through reenactment by the  
180 Legislature.

181 ~~2.8.~~ An agency that is the custodian of the ~~personal~~  
182 information specified in subparagraph 1., ~~subparagraph 2.,~~  
183 ~~subparagraph 3., subparagraph 4., subparagraph 5., subparagraph~~  
184 ~~6., or subparagraph 7.~~ and that is not the employer of the  
185 officer, employee, justice, judge, or other person specified in  
186 subparagraph 1., ~~subparagraph 2., subparagraph 3., subparagraph~~  
187 ~~4., subparagraph 5., subparagraph 6., or subparagraph 7.~~ shall  
188 maintain the exempt status of that ~~the personal~~ information only  
189 if the officer, employee, justice, judge, other person, or  
190 employing agency of the designated employee submits a written  
191 request for maintenance of the exemption to the custodial  
192 agency.

193 (5) OTHER PERSONAL INFORMATION.—

194 (i)1. For purposes of this paragraph, "identification and  
195 location information" means the:

196 a. Home address, telephone number, and photograph of a  
197 current or former United States attorney, assistant United  
198 States attorney, judge of the United States Courts of Appeal,  
199 United States district judge, or United States magistrate;

200 b. Home address, telephone number, photograph, and place of  
201 employment of the spouse or child of such attorney, judge, or  
202 magistrate; and

203 c. Name and location of the school or day care facility

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204 attended by the child of such attorney, judge, or magistrate.

205 2. Identification and location information held by an  
206 agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the  
207 State Constitution if such attorney, judge, or magistrate:

208 a. Submits to an agency that has custody of the  
209 identification and location information a written request to  
210 exempt such information from public disclosure; and

211 b. Submits to the agency a written statement that such  
212 attorney, judge, or magistrate has made reasonable efforts to  
213 protect such information from being accessible through other  
214 means available to the public.

215 3. This paragraph is subject to the Open Government Sunset  
216 Review Act in accordance with s. 119.15, and shall stand  
217 repealed on October 2, 2014, unless reviewed and saved from  
218 repeal through reenactment by the Legislature.

219 Section 2. This act shall take effect October 1, 2009.