

By the Committees on Judiciary; and Judiciary

590-02692-09

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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 an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (d) of subsection (4) of section
24 119.071, Florida Statutes, is amended, and paragraph (i) is
25 added to subsection (5) of that section, to read:

26 119.071 General exemptions from inspection or copying of
27 public records.—

28 (4) AGENCY PERSONNEL INFORMATION.—

29 (d)1.a. The home addresses, telephone numbers, social

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

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

52 c. The home addresses and telephone numbers of justices of
53 the Supreme Court, district court of appeal judges, circuit
54 court judges, and county court judges; the home addresses,
55 telephone numbers, and places of employment of the spouses and
56 children of justices and judges; and the names and locations of
57 schools and day care facilities attended by the children of
58 justices and judges are exempt from s. 119.07(1).

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

72 ~~e.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
81 locations of schools and day care facilities attended by the
82 children of general magistrates, special magistrates, judges of
83 compensation claims, administrative law judges of the Division
84 of Administrative Hearings, and child support enforcement
85 hearing officers are exempt from s. 119.07(1) and s. 24(a), Art.
86 I of the State Constitution if the general magistrate, special
87 magistrate, judge of compensation claims, administrative law

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

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

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

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

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

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

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

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

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175 the State Constitution. This sub-subparagraph ~~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, 2011,
178 unless reviewed and saved from repeal through reenactment by the
179 Legislature.

180 ~~2.8.~~ 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.~~ and that is not the employer of the
184 officer, employee, justice, judge, or other person specified in
185 subparagraph 1., ~~subparagraph 2., subparagraph 3., subparagraph~~
186 ~~4., subparagraph 5., subparagraph 6., or subparagraph 7.~~ shall
187 maintain the exempt status of that ~~the personal~~ information only
188 if the officer, employee, justice, judge, other person, or
189 employing agency of the designated employee submits a written
190 request for maintenance of the exemption to the custodial
191 agency.

192 (5) OTHER PERSONAL INFORMATION.—

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

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

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

202 c. Name and location of the school or day care facility
203 attended by the child of such attorney, judge, or magistrate.

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

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

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

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