

By Senator Lawson

6-00829-09

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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 cellular telephone  
5           numbers and telephone records of all telephone numbers  
6           of active and former law enforcement personnel and  
7           investigative personnel of certain state agencies and  
8           local governments; providing for future legislative  
9           review and repeal of the exemption under the Open  
10          Government Sunset Review Act; providing a statement of  
11          public 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, including  
21           cellular telephone numbers not otherwise disclosed by the law  
22           enforcement agency, telephone records for all telephone numbers,  
23           social 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. An agency that is the custodian of the personal  
171 information specified in subparagraph 1., subparagraph 2.,  
172 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph  
173 6., or subparagraph 7. and that is not the employer of the  
174 officer, employee, justice, judge, or other person specified in

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175 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph  
176 4., subparagraph 5., subparagraph 6., or subparagraph 7. shall  
177 maintain the exempt status of the personal information only if  
178 the officer, employee, justice, judge, other person, or  
179 employing agency of the designated employee submits a written  
180 request for maintenance of the exemption to the custodial  
181 agency.

182 Section 2. Section 119.071(4)(d)1.a., Florida Statutes, is  
183 subject to the Open Government Sunset Review Act in accordance  
184 with s. 119.15, Florida Statutes, and shall stand repealed on  
185 October 2, 2014, unless reviewed and saved from repeal through  
186 reenactment by the Legislature.

187 Section 3. The Legislature finds that it is a public  
188 necessity that the cellular telephone numbers and the telephone  
189 records of former and active law enforcement personnel,  
190 correctional and correctional probation officers, investigative  
191 personnel of the Department of Children and Family Services and  
192 the Department of Health, and personnel of the Department of  
193 Revenue and local governments involved in revenue collection and  
194 child-support enforcement be made exempt from public-records  
195 requirements. Release of such identifying information might  
196 place such personnel and their family members in danger of  
197 physical and emotional harm from disgruntled criminal defendants  
198 or litigants. Moreover, telephone records would reveal  
199 identifying information of persons, such as crime victims,  
200 confidential informants, child abuse victims, and victims of  
201 sexual violence, whose identities are normally protected. The  
202 exposure of this information would not only compromise a  
203 criminal trial or investigation, it would also place crime

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204 victims and confidential informants and their families in  
205 danger. Therefore, the harm that might result from the release  
206 of the information outweighs any public benefit that could be  
207 derived from disclosure of the information. Thus, the  
208 Legislature finds that it is a public necessity to make  
209 confidential and exempt from public-records requirements  
210 cellular phone numbers and telephone records for all telephone  
211 numbers of former and active law enforcement personnel,  
212 correctional and correctional probation officers, investigative  
213 personnel of the Department of Children and Family Services and  
214 the Department of Health, and personnel of the Department of  
215 Revenue and local governments involved in revenue collection and  
216 child-support enforcement.

217 Section 4. This act shall take effect July 1, 2009.