

By Senator Detert

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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 home addresses, personal  
5           e-mail addresses, and telephone numbers of  
6           instructional personnel and school administrators, the  
7           home addresses, personal e-mail addresses, telephone  
8           numbers, and places of employment of the spouses and  
9           children of instructional personnel or school  
10          administrators, and the names and locations of schools  
11          and day care facilities attended by the children of  
12          instructional personnel or school administrators;  
13          requiring an agency that is the custodian of such  
14          personal information to maintain the exempt status of  
15          the personal information; providing for legislative  
16          review and repeal of the exemption under the Open  
17          Government Sunset Review Act; providing a statement of  
18          public necessity; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Paragraph (d) of subsection (4) of section  
23           119.071, Florida Statutes, is amended to read:

24           119.071 General exemptions from inspection or copying of  
25           public records.—

26           (4) AGENCY PERSONNEL INFORMATION.—

27           (d)1.a. The home addresses, telephone numbers, social  
28           security numbers, and photographs of active or former law  
29           enforcement personnel, including correctional and correctional

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

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

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

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88 Administrative Hearings, or child support hearing officer has  
89 made reasonable efforts to protect such information from being  
90 accessible through other means available to the public. This  
91 sub-subparagraph is subject to the Open Government Sunset Review  
92 Act in accordance with s. 119.15, and shall stand repealed on  
93 October 2, 2013, unless reviewed and saved from repeal through  
94 reenactment by the Legislature.

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

107         3. The home addresses, telephone numbers, social security  
108 numbers, and photographs of current or former United States  
109 attorneys and assistant United States attorneys; the home  
110 addresses, telephone numbers, social security numbers,  
111 photographs, and places of employment of the spouses and  
112 children of current or former United States attorneys and  
113 assistant United States attorneys; and the names and locations  
114 of schools and day care facilities attended by the children of  
115 current or former United States attorneys and assistant United  
116 States attorneys are exempt from s. 119.07(1) and s. 24(a), Art.

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117 I of the State Constitution. This subparagraph is subject to the  
118 Open Government Sunset Review Act in accordance with s. 119.15  
119 and shall stand repealed on October 2, 2009, unless reviewed and  
120 saved from repeal through reenactment by the Legislature.

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

138 5. The home addresses, telephone numbers, and photographs  
139 of current or former code enforcement officers; the names, home  
140 addresses, telephone numbers, and places of employment of the  
141 spouses and children of such personnel; and the names and  
142 locations of schools and day care facilities attended by the  
143 children of such personnel are exempt from s. 119.07(1) and s.  
144 24(a), Art. I of the State Constitution.

145 6. The home addresses, telephone numbers, places of

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

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

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175 8. The home addresses, personal e-mail addresses, and  
176 telephone numbers of instructional personnel and school  
177 administrators, as defined in s. 1012.01; the home addresses,  
178 personal e-mail addresses, telephone numbers, and places of  
179 employment of the spouses and children of instructional  
180 personnel or school administrators; and the names and locations  
181 of schools and day care facilities attended by the children of  
182 instructional personnel or school administrators are exempt from  
183 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
184 This subparagraph is subject to the Open Government Sunset  
185 Review Act in accordance with s. 119.15, and shall stand  
186 repealed on October 2, 2014, unless reviewed and saved from  
187 repeal through reenactment by the Legislature.

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

203 Section 2. The Legislature finds that it is a public

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204 necessity that the home addresses, personal e-mail addresses,  
205 and telephone numbers of instructional personnel, as defined in  
206 s. 1012.01, Florida Statutes, and school administrators, as  
207 defined in s. 1012.01, Florida Statutes, be made exempt from  
208 public-records requirements. The Legislature also finds that it  
209 is a public necessity that the home addresses, personal e-mail  
210 addresses, telephone numbers, and places of employment of the  
211 spouses and children of instructional personnel or school  
212 administrators be made exempt from public-records requirements.  
213 The Legislature also finds that it is a public necessity that  
214 the names and locations of schools and day care facilities  
215 attended by the children of instructional personnel or school  
216 administrators be made exempt from public-records requirements.  
217 The Legislature also finds that it is a public necessity that an  
218 agency that is the custodian of this personal information and  
219 that is not the employer of the instructional personnel or  
220 school administrator maintain the exempt status of the personal  
221 information. Release of such identifying and location  
222 information might place instructional personnel and school  
223 administrators and their family members in danger of physical  
224 and emotional harm or harassment from disgruntled students,  
225 parents, or individuals seeking to harm or harass instructional  
226 personnel and school administrators and their family members.  
227 Therefore, the harm that might result from the release of the  
228 information outweighs any public benefit that could be derived  
229 from disclosure of the information.

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