

FOR CONSIDERATION By the Committee on Judiciary

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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          attest that efforts have been made to protect the  
17          information from disclosure through other means;  
18          providing for future legislative review and repeal of  
19          the exemption; providing an effective 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       3. This paragraph is subject to the Open Government Sunset  
215 Review Act in accordance with s. 119.15, and shall stand  
216 repealed on October 2, 2014, unless reviewed and saved from  
217 repeal through reenactment by the Legislature.

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