

ENROLLED
HB 7037

2009 Legislature

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act regarding identification and location
4 information of federal attorneys and judges; amending s.
5 119.071, F.S.; reorganizing provisions to relocate the
6 public record exemption for identification and location
7 information of current or former United States attorneys
8 and assistant United States attorneys and the spouses and
9 children thereof and current or former judges of United
10 States Courts of Appeal, United States district judges,
11 and United States magistrates and the spouses and children
12 thereof; defining "identification and location
13 information"; providing that the exemption is conditioned
14 upon submission by the attorney, judge, or magistrate of a
15 written request for the exemption and a written statement
16 that reasonable efforts have been made to protect the
17 information from disclosure through other means; removing
18 the scheduled repeals of the exemptions; providing an
19 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.--

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

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57 | schools and day care facilities attended by the children of
58 | justices and judges are exempt from s. 119.07(1).

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

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

111 ~~3. The home addresses, telephone numbers, social security~~
112 ~~numbers, and photographs of current or former United States~~

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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~~
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~~

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140 ~~reviewed and saved from repeal through reenactment by the~~
141 ~~Legislature.~~

142 g.5. The home addresses, telephone numbers, and
143 photographs of current or former code enforcement officers; the
144 names, home addresses, telephone numbers, and places of
145 employment of the spouses and children of such personnel; and
146 the names and locations of schools and day care facilities
147 attended by the children of such personnel are exempt from s.
148 119.07(1) and s. 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
163 photographs of current or former juvenile probation officers,
164 juvenile probation supervisors, detention superintendents,
165 assistant detention superintendents, senior juvenile detention
166 officers, juvenile detention officer supervisors, juvenile
167 detention officers, house parents I and II, house parent

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168 supervisors, group treatment leaders, group treatment leader
 169 supervisors, rehabilitation therapists, and social services
 170 counselors of the Department of Juvenile Justice; the names,
 171 home addresses, telephone numbers, and places of employment of
 172 spouses and children of such personnel; and the names and
 173 locations of schools and day care facilities attended by the
 174 children of such personnel are exempt from s. 119.07(1) and s.
 175 24(a), Art. I of the State Constitution. This sub-subparagraph
 176 ~~subparagraph~~ is subject to the Open Government Sunset Review Act
 177 in accordance with s. 119.15 and shall stand repealed on October
 178 2, 2011, unless reviewed and saved from repeal through
 179 reenactment by the 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:

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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
 200 of 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.
 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 submits to an agency that has custody of the identification and
 208 location information:
 209 a. A written request to exempt such information from
 210 public disclosure; and
 211 b. A written statement that he or she has made reasonable
 212 efforts to protect the identification and location information
 213 from being accessible through other means available to the
 214 public.
 215 Section 2. This act shall take effect October 1, 2009.