

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 identifying  
5           information of current or former guardians ad litem;  
6           saving the exemption from repeal under the Open  
7           Government Sunset Review Act; expanding the public-  
8           records exemption to include the names and locations  
9           of schools and day care facilities attended by the  
10          children of current or former guardians ad litem;  
11          providing for future legislative review and repeal of  
12          the exemption under the Open Government Sunset Review  
13          Act; providing a statement of public necessity;  
14          providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Paragraph (d) of subsection (4) of section  
19           119.071, Florida Statutes, is amended to read:

20           119.071 General exemptions from inspection or copying of  
21           public records.—

22           (4) AGENCY PERSONNEL INFORMATION.—

23           (d)1.a. The home addresses, telephone numbers, social  
24           security numbers, and photographs of active or former law  
25           enforcement personnel, including correctional and correctional  
26           probation officers, personnel of the Department of Children and  
27           Family Services whose duties include the investigation of abuse,  
28           neglect, exploitation, fraud, theft, or other criminal  
29           activities, personnel of the Department of Health whose duties

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30 are to support the investigation of child abuse or neglect, and  
31 personnel of the Department of Revenue or local governments  
32 whose responsibilities include revenue collection and  
33 enforcement or child support enforcement; the home addresses,  
34 telephone numbers, social security numbers, photographs, and  
35 places of employment of the spouses and children of such  
36 personnel; and the names and locations of schools and day care  
37 facilities attended by the children of such personnel are exempt  
38 from s. 119.07(1).

39 b. The home addresses, telephone numbers, and photographs  
40 of firefighters certified in compliance with s. 633.35; the home  
41 addresses, telephone numbers, photographs, and places of  
42 employment of the spouses and children of such firefighters; and  
43 the names and locations of schools and day care facilities  
44 attended by the children of such firefighters are exempt from s.  
45 119.07(1).

46 c. The home addresses and telephone numbers of justices of  
47 the Supreme Court, district court of appeal judges, circuit  
48 court judges, and county court judges; the home addresses,  
49 telephone numbers, and places of employment of the spouses and  
50 children of justices and judges; and the names and locations of  
51 schools and day care facilities attended by the children of  
52 justices and judges are exempt from s. 119.07(1).

53 d. The home addresses, telephone numbers, social security  
54 numbers, and photographs of current or former state attorneys,  
55 assistant state attorneys, statewide prosecutors, or assistant  
56 statewide prosecutors; the home addresses, telephone numbers,  
57 social security numbers, photographs, and places of employment  
58 of the spouses and children of current or former state

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

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

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88 accessible through other means available to the public. This  
89 sub-subparagraph is subject to the Open Government Sunset Review  
90 Act in accordance with s. 119.15, and shall stand repealed on  
91 October 2, 2013, unless reviewed and saved from repeal through  
92 reenactment by the Legislature.

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

105 g. The home addresses, telephone numbers, and photographs  
106 of current or former code enforcement officers; the names, home  
107 addresses, telephone numbers, and places of employment of the  
108 spouses and children of such personnel; and the names and  
109 locations of schools and day care facilities attended by the  
110 children of such personnel are exempt from s. 119.07(1) and s.  
111 24(a), Art. I of the State Constitution.

112 h. The home addresses, telephone numbers, places of  
113 employment, and photographs of current or former guardians ad  
114 litem, as defined in s. 39.820; ~~and~~ and the names, home addresses,  
115 telephone numbers, and places of employment of the spouses and  
116 children of such persons; and the names and locations of schools

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117 and day care facilities attended by the children of such  
118 persons, are exempt from s. 119.07(1) and s. 24(a), Art. I of  
119 the State Constitution, if the guardian ad litem provides a  
120 written statement that the guardian ad litem has made reasonable  
121 efforts to protect such information from being accessible  
122 through other means available to the public. This sub-  
123 subparagraph is subject to the Open Government Sunset Review Act  
124 in accordance with s. 119.15 and shall stand repealed on October  
125 2, 2015 ~~2010~~, unless reviewed and saved from repeal through  
126 reenactment by the Legislature.

127 i. The home addresses, telephone numbers, and photographs  
128 of current or former juvenile probation officers, juvenile  
129 probation supervisors, detention superintendents, assistant  
130 detention superintendents, senior juvenile detention officers,  
131 juvenile detention officer supervisors, juvenile detention  
132 officers, house parents I and II, house parent supervisors,  
133 group treatment leaders, group treatment leader supervisors,  
134 rehabilitation therapists, and social services counselors of the  
135 Department of Juvenile Justice; the names, home addresses,  
136 telephone numbers, and places of employment of spouses and  
137 children of such personnel; and the names and locations of  
138 schools and day care facilities attended by the children of such  
139 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
140 the State Constitution. This sub-subparagraph is subject to the  
141 Open Government Sunset Review Act in accordance with s. 119.15  
142 and shall stand repealed on October 2, 2011, unless reviewed and  
143 saved from repeal through reenactment by the Legislature.

144 2. An agency that is the custodian of the information  
145 specified in subparagraph 1. and that is not the employer of the

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146 officer, employee, justice, judge, or other person specified in  
147 subparagraph 1. shall maintain the exempt status of that  
148 information only if the officer, employee, justice, judge, other  
149 person, or employing agency of the designated employee submits a  
150 written request for maintenance of the exemption to the  
151 custodial agency.

152       Section 2. The Legislature finds that it is a public  
153 necessity that the names and locations of schools and day care  
154 facilities attended by the children of current or former  
155 guardians ad litem be made exempt from public-records  
156 requirements. Guardians ad litem provide a valuable service to  
157 the community. They interact with victims of child abuse and  
158 neglect and, at times, the perpetrators of that abuse or  
159 neglect. The capacity in which they work or volunteer their time  
160 does not always create good will. Different persons may be  
161 disgruntled with the testimony, report, or recommendation made  
162 by guardians ad litem. The testimony of guardians ad litem could  
163 create a safety risk. Thus, the children of guardians ad litem  
164 could become potential targets for acts of revenge. If the names  
165 and locations of schools and day care facilities attended by the  
166 children of such persons were made available, the safety and  
167 welfare of the children could be jeopardized. A public-records  
168 exemption currently exempts the names, home addresses, telephone  
169 numbers, and places of employment of the children of current or  
170 former guardians ad litem; however, there is no similar  
171 protection for the names and locations of schools and day care  
172 facilities attended by such children. Comparable exemptions  
173 relating to other individuals who provide a public service  
174 exempt this personal information from disclosure. Accordingly,

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175 it is a public necessity that the names and locations of schools  
176 and day care facilities attended by the children of current or  
177 former guardians ad litem be made exempt from public disclosure.

178 Section 3. This act shall take effect October 1, 2010.