

CS/HB 1089

2012

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for personal identifying and
5 location information of current and former
6 investigators and inspectors of the Department of
7 Business and Professional Regulation and the spouses
8 and children of such investigators and inspectors;
9 providing a condition to the exemption; providing for
10 future review and repeal of the exemption; providing a
11 statement of public necessity; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (d) of subsection (4) of section
17 119.071, Florida Statutes, is amended to read:

18 119.071 General exemptions from inspection or copying of
19 public records.—

20 (4) AGENCY PERSONNEL INFORMATION.—

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

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

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

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

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

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

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

85 made reasonable efforts to protect such information from being
86 accessible through other means available to the public. This
87 sub-subparagraph is subject to the Open Government Sunset Review
88 Act in accordance with s. 119.15, and shall stand repealed on
89 October 2, 2013, unless reviewed and saved from repeal through
90 reenactment by the Legislature.

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

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

110 h. The home addresses, telephone numbers, places of
111 employment, and photographs of current or former guardians ad
112 litem, as defined in s. 39.820; the names, home addresses,

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

125 i. The home addresses, telephone numbers, and photographs
126 of current or former juvenile probation officers, juvenile
127 probation supervisors, detention superintendents, assistant
128 detention superintendents, juvenile justice detention officers I
129 and II, juvenile justice detention officer supervisors, juvenile
130 justice residential officers, juvenile justice residential
131 officer supervisors I and II, juvenile justice counselors,
132 juvenile justice counselor supervisors, human services counselor
133 administrators, senior human services counselor administrators,
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.

141 j. The home addresses, telephone numbers, and photographs
142 of current or former public defenders, assistant public
143 defenders, criminal conflict and civil regional counsel, and
144 assistant criminal conflict and civil regional counsel; the home
145 addresses, telephone numbers, and places of employment of the
146 spouses and children of such defenders or counsel; and the names
147 and locations of schools and day care facilities attended by the
148 children of such defenders or counsel are exempt from s.
149 119.07(1) and s. 24(a), Art. I of the State Constitution. This
150 sub-subparagraph is subject to the Open Government Sunset Review
151 Act in accordance with s. 119.15 and shall stand repealed on
152 October 2, 2015, unless reviewed and saved from repeal through
153 reenactment by the Legislature.

154 k. The home addresses, telephone numbers, and photographs
155 of current or former investigators or inspectors of the
156 Department of Business and Professional Regulation; the names,
157 home addresses, telephone numbers, and places of employment of
158 the spouses and children of such current or former investigators
159 and inspectors; and the names and locations of schools and day
160 care facilities attended by the children of such current or
161 former investigators and inspectors are exempt from s. 119.07(1)
162 and s. 24(a), Art. I of the State Constitution if the
163 investigator or inspector has made reasonable efforts to protect
164 such information from being accessible through other means
165 available to the public. This sub-subparagraph is subject to the
166 Open Government Sunset Review Act in accordance with s. 119.15
167 and shall stand repealed on October 2, 2017, unless reviewed and
168 saved from repeal through reenactment by the Legislature.

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169 2. An agency that is the custodian of the information
170 specified in subparagraph 1. and that is not the employer of the
171 officer, employee, justice, judge, or other person specified in
172 subparagraph 1. shall maintain the exempt status of that
173 information only if the officer, employee, justice, judge, other
174 person, or employing agency of the designated employee submits a
175 written request for maintenance of the exemption to the
176 custodial agency.

177 Section 2. The Legislature finds that it is a public
178 necessity that the home addresses, telephone numbers, and
179 photographs of current and former investigators and inspectors
180 of the Department of Business and Professional Regulation, the
181 names, home addresses, telephone numbers, and places of
182 employment of the spouses and children of such current or former
183 investigators and inspectors, and the names and locations of
184 schools and day care facilities attended by the children of such
185 current or former investigators and inspectors be made exempt
186 from public records requirements. The Legislature finds that the
187 release of such identifying and location information might place
188 the department's investigators and inspectors and their family
189 members in danger of physical and emotional harm from
190 disgruntled individuals whose business or professional practice
191 have come under the scrutiny of investigators and inspectors of
192 the department. The Legislature further finds that the harm that
193 may result from the release of such personal identifying and
194 location information outweighs any public benefit that may be
195 derived from the disclosure of the information.

196 Section 3. This act shall take effect upon becoming a law.