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CS/CS/HB 1089, Engrossed 1

2012 Legislature

1
 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
 11 an exemption from public record requirements for
 12 personal identifying and location information of
 13 county tax collectors and the spouses and children of
 14 such tax collectors; providing a condition to the
 15 exemption; providing for future review and repeal of
 16 the exemption; providing a statement of public
 17 necessity; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Paragraph (d) of subsection (4) of section
 22 119.071, Florida Statutes, is amended to read:

23 119.071 General exemptions from inspection or copying of
 24 public records.—

25 (4) AGENCY PERSONNEL INFORMATION.—

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

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29 | probation officers, personnel of the Department of Children and
30 | Family Services whose duties include the investigation of abuse,
31 | neglect, exploitation, fraud, theft, or other criminal
32 | activities, personnel of the Department of Health whose duties
33 | are to support the investigation of child abuse or neglect, and
34 | personnel of the Department of Revenue or local governments
35 | whose responsibilities include revenue collection and
36 | enforcement or child support enforcement; the home addresses,
37 | telephone numbers, social security numbers, photographs, and
38 | places of employment of the spouses and children of such
39 | personnel; and the names and locations of schools and day care
40 | facilities attended by the children of such personnel are exempt
41 | from s. 119.07(1).

42 | b. The home addresses, telephone numbers, and photographs
43 | of firefighters certified in compliance with s. 633.35; the home
44 | addresses, telephone numbers, photographs, and places of
45 | employment of the spouses and children of such firefighters; and
46 | the names and locations of schools and day care facilities
47 | attended by the children of such firefighters are exempt from s.
48 | 119.07(1).

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

56 | d. The home addresses, telephone numbers, social security

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

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

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85 judge of the Division of Administrative Hearings, or child
86 support hearing officer provides a written statement that the
87 general magistrate, special magistrate, judge of compensation
88 claims, administrative law judge of the Division of
89 Administrative Hearings, or child support hearing officer has
90 made reasonable efforts to protect such information from being
91 accessible through other means available to the public. This
92 sub-subparagraph is subject to the Open Government Sunset Review
93 Act in accordance with s. 119.15, and shall stand repealed on
94 October 2, 2013, unless reviewed and saved from repeal through
95 reenactment by the Legislature.

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

108 g. The home addresses, telephone numbers, and photographs
109 of current or former code enforcement officers; the names, home
110 addresses, telephone numbers, and places of employment of the
111 spouses and children of such personnel; and the names and
112 locations of schools and day care facilities attended by the

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113 children of such personnel are exempt from s. 119.07(1) and s.
 114 24(a), Art. I of the State Constitution.

115 h. The home addresses, telephone numbers, places of
 116 employment, and photographs of current or former guardians ad
 117 litem, as defined in s. 39.820; the names, home addresses,
 118 telephone numbers, and places of employment of the spouses and
 119 children of such persons; and the names and locations of schools
 120 and day care facilities attended by the children of such persons
 121 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 122 Constitution, if the guardian ad litem provides a written
 123 statement that the guardian ad litem has made reasonable efforts
 124 to protect such information from being accessible through other
 125 means available to the public. This sub-subparagraph is subject
 126 to the Open Government Sunset Review Act in accordance with s.
 127 119.15 and shall stand repealed on October 2, 2015, unless
 128 reviewed and saved from repeal through reenactment by the
 129 Legislature.

130 i. The home addresses, telephone numbers, and photographs
 131 of current or former juvenile probation officers, juvenile
 132 probation supervisors, detention superintendents, assistant
 133 detention superintendents, juvenile justice detention officers I
 134 and II, juvenile justice detention officer supervisors, juvenile
 135 justice residential officers, juvenile justice residential
 136 officer supervisors I and II, juvenile justice counselors,
 137 juvenile justice counselor supervisors, human services counselor
 138 administrators, senior human services counselor administrators,
 139 rehabilitation therapists, and social services counselors of the
 140 Department of Juvenile Justice; the names, home addresses,

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141 telephone numbers, and places of employment of spouses and
 142 children of such personnel; and the names and locations of
 143 schools and day care facilities attended by the children of such
 144 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 145 the State Constitution.

146 j. The home addresses, telephone numbers, and photographs
 147 of current or former public defenders, assistant public
 148 defenders, criminal conflict and civil regional counsel, and
 149 assistant criminal conflict and civil regional counsel; the home
 150 addresses, telephone numbers, and places of employment of the
 151 spouses and children of such defenders or counsel; and the names
 152 and locations of schools and day care facilities attended by the
 153 children of such defenders or counsel are exempt from s.
 154 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 155 sub-subparagraph is subject to the Open Government Sunset Review
 156 Act in accordance with s. 119.15 and shall stand repealed on
 157 October 2, 2015, unless reviewed and saved from repeal through
 158 reenactment by the Legislature.

159 k. The home addresses, telephone numbers, and photographs
 160 of current or former investigators or inspectors of the
 161 Department of Business and Professional Regulation; the names,
 162 home addresses, telephone numbers, and places of employment of
 163 the spouses and children of such current or former investigators
 164 and inspectors; and the names and locations of schools and day
 165 care facilities attended by the children of such current or
 166 former investigators and inspectors are exempt from s. 119.07(1)
 167 and s. 24(a), Art. I of the State Constitution if the
 168 investigator or inspector has made reasonable efforts to protect

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169 such information from being accessible through other means
 170 available to the public. This sub-subparagraph is subject to the
 171 Open Government Sunset Review Act in accordance with s. 119.15
 172 and shall stand repealed on October 2, 2017, unless reviewed and
 173 saved from repeal through reenactment by the Legislature.

174 1. The home addresses and telephone numbers of county tax
 175 collectors; the names, home addresses, telephone numbers, and
 176 places of employment of the spouses and children of such tax
 177 collectors; and the names and locations of schools and day care
 178 facilities attended by the children of such tax collectors are
 179 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 180 Constitution if the county tax collector has made reasonable
 181 efforts to protect such information from being accessible
 182 through other means available to the public. This sub-
 183 subparagraph is subject to the Open Government Sunset Review Act
 184 in accordance with s. 119.15 and shall stand repealed on October
 185 2, 2017, unless reviewed and saved from repeal through
 186 reenactment by the Legislature.

187 2. An agency that is the custodian of the information
 188 specified in subparagraph 1. and that is not the employer of the
 189 officer, employee, justice, judge, or other person specified in
 190 subparagraph 1. shall maintain the exempt status of that
 191 information only if the officer, employee, justice, judge, other
 192 person, or employing agency of the designated employee submits a
 193 written request for maintenance of the exemption to the
 194 custodial agency.

195 Section 2. The Legislature finds that it is a public
 196 necessity that the home addresses and telephone numbers of

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197 county tax collectors, the names, home addresses, telephone
198 numbers, and places of employment of the spouses and children of
199 such tax collectors, and the names and locations of schools and
200 day care facilities attended by the children of such tax
201 collectors be made exempt from public record requirements. It is
202 also the finding of the Legislature that it is a public
203 necessity that the home addresses, telephone numbers, and
204 photographs of current and former investigators and inspectors
205 of the Department of Business and Professional Regulation, the
206 names, home addresses, telephone numbers, and places of
207 employment of the spouses and children of such current or former
208 investigators and inspectors, and the names and locations of
209 schools and day care facilities attended by the children of such
210 current or former investigators and inspectors be made exempt
211 from public record requirements. The Legislature finds that the
212 release of such identifying and location information might place
213 county tax collectors and investigators and inspectors of the
214 Department of Business and Professional Regulation and their
215 family members in danger of physical and emotional harm from
216 disgruntled individuals who have contentious reactions to
217 revenue collection or enforcement actions or child support
218 enforcement actions of a county tax collector, or whose business
219 or professional practices have come under the scrutiny of
220 investigators and inspectors of the Department of Business and
221 Professional Regulation. The Legislature further finds that the
222 harm that may result from the release of such personal
223 identifying and location information outweighs any public
224 benefit that may be derived from the disclosure of the

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225 | information.

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