

By Senator Hays

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; exempting from public record
4 requirements identifying information relating to
5 current and former investigators and inspectors of the
6 Department of Business and Professional Regulation and
7 their spouses and children; providing for future
8 repeal and legislative review of the exemption under
9 the Open Government Sunset Review Act; providing a
10 statement of public necessity; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsection (4) of section 119.071, Florida
16 Statutes, is amended to read:

17 119.071 General exemptions from inspection or copying of
18 public records.—

19 (4) AGENCY PERSONNEL INFORMATION.—

20 (a) The social security numbers of all current and former
21 agency employees which numbers are held by the employing agency
22 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
23 I of the State Constitution. This paragraph is subject to the
24 Open Government Sunset Review Act in accordance with s. 119.15
25 and shall stand repealed on October 2, 2014, unless reviewed and
26 saved from repeal through reenactment by the Legislature.

27 (b)1. Medical information pertaining to a prospective,
28 current, or former officer or employee of an agency which, if
29 disclosed, would identify that officer or employee is exempt

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30 from s. 119.07(1) and s. 24(a), Art. I of the State
31 Constitution. However, such information may be disclosed if the
32 person to whom the information pertains or the person's legal
33 representative provides written permission or pursuant to court
34 order.

35 2.a. Personal identifying information of a dependent child
36 of a current or former officer or employee of an agency, which
37 dependent child is insured by an agency group insurance plan, is
38 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
39 Constitution. For purposes of this exemption, "dependent child"
40 has the same meaning as in s. 409.2554.

41 b. This exemption is remedial in nature and applies to
42 personal identifying information held by an agency before, on,
43 or after the effective date of this exemption.

44 c. This subparagraph is subject to the Open Government
45 Sunset Review Act in accordance with s. 119.15 and shall stand
46 repealed on October 2, 2014, unless reviewed and saved from
47 repeal through reenactment by the Legislature.

48 (c) Any information revealing undercover personnel of any
49 criminal justice agency is exempt from s. 119.07(1) and s.
50 24(a), Art. I of the State Constitution.

51 (d)1.a. The home addresses, telephone numbers, social
52 security numbers, and photographs of active or former law
53 enforcement personnel, including correctional and correctional
54 probation officers, personnel of the Department of Children and
55 Family Services whose duties include the investigation of abuse,
56 neglect, exploitation, fraud, theft, or other criminal
57 activities, personnel of the Department of Health whose duties
58 are to support the investigation of child abuse or neglect, and

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59 personnel of the Department of Revenue or local governments
60 whose responsibilities include revenue collection and
61 enforcement or child support enforcement; the home addresses,
62 telephone numbers, social security numbers, photographs, and
63 places of employment of the spouses and children of such
64 personnel; and the names and locations of schools and day care
65 facilities attended by the children of such personnel are exempt
66 from s. 119.07(1).

67 b. The home addresses, telephone numbers, and photographs
68 of firefighters certified in compliance with s. 633.35; the home
69 addresses, telephone numbers, photographs, and places of
70 employment of the spouses and children of such firefighters; and
71 the names and locations of schools and day care facilities
72 attended by the children of such firefighters are exempt from s.
73 119.07(1).

74 c. The home addresses and telephone numbers of justices of
75 the Supreme Court, district court of appeal judges, circuit
76 court judges, and county court judges; the home addresses,
77 telephone numbers, and places of employment of the spouses and
78 children of justices and judges; and the names and locations of
79 schools and day care facilities attended by the children of
80 justices and judges are exempt from s. 119.07(1).

81 d. The home addresses, telephone numbers, social security
82 numbers, and photographs of current or former state attorneys,
83 assistant state attorneys, statewide prosecutors, or assistant
84 statewide prosecutors; the home addresses, telephone numbers,
85 social security numbers, photographs, and places of employment
86 of the spouses and children of current or former state
87 attorneys, assistant state attorneys, statewide prosecutors, or

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88 assistant statewide prosecutors; and the names and locations of
89 schools and day care facilities attended by the children of
90 current or former state attorneys, assistant state attorneys,
91 statewide prosecutors, or assistant statewide prosecutors are
92 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
93 Constitution.

94 e. The home addresses and telephone numbers of general
95 magistrates, special magistrates, judges of compensation claims,
96 administrative law judges of the Division of Administrative
97 Hearings, and child support enforcement hearing officers; the
98 home addresses, telephone numbers, and places of employment of
99 the spouses and children of general magistrates, special
100 magistrates, judges of compensation claims, administrative law
101 judges of the Division of Administrative Hearings, and child
102 support enforcement hearing officers; and the names and
103 locations of schools and day care facilities attended by the
104 children of general magistrates, special magistrates, judges of
105 compensation claims, administrative law judges of the Division
106 of Administrative Hearings, and child support enforcement
107 hearing officers are exempt from s. 119.07(1) and s. 24(a), Art.
108 I of the State Constitution if the general magistrate, special
109 magistrate, judge of compensation claims, administrative law
110 judge of the Division of Administrative Hearings, or child
111 support hearing officer provides a written statement that the
112 general magistrate, special magistrate, judge of compensation
113 claims, administrative law judge of the Division of
114 Administrative Hearings, or child support hearing officer has
115 made reasonable efforts to protect such information from being
116 accessible through other means available to the public. This

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117 sub-subparagraph is subject to the Open Government Sunset Review
118 Act in accordance with s. 119.15, and shall stand repealed on
119 October 2, 2013, unless reviewed and saved from repeal through
120 reenactment by the Legislature.

121 f. The home addresses, telephone numbers, and photographs
122 of current or former human resource, labor relations, or
123 employee relations directors, assistant directors, managers, or
124 assistant managers of any local government agency or water
125 management district whose duties include hiring and firing
126 employees, labor contract negotiation, administration, or other
127 personnel-related duties; the names, home addresses, telephone
128 numbers, and places of employment of the spouses and children of
129 such personnel; and the names and locations of schools and day
130 care facilities attended by the children of such personnel are
131 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
132 Constitution.

133 g. The home addresses, telephone numbers, and photographs
134 of current or former code enforcement officers; the names, home
135 addresses, telephone numbers, and places of employment of the
136 spouses and children of such personnel; and the names and
137 locations of schools and day care facilities attended by the
138 children of such personnel are exempt from s. 119.07(1) and s.
139 24(a), Art. I of the State Constitution.

140 h. The home addresses, telephone numbers, places of
141 employment, and photographs of current or former guardians ad
142 litem, as defined in s. 39.820; the names, home addresses,
143 telephone numbers, and places of employment of the spouses and
144 children of such persons; and the names and locations of schools
145 and day care facilities attended by the children of such persons

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146 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
147 Constitution, if the guardian ad litem provides a written
148 statement that the guardian ad litem has made reasonable efforts
149 to protect such information from being accessible through other
150 means available to the public. This sub-subparagraph is subject
151 to the Open Government Sunset Review Act in accordance with s.
152 119.15 and shall stand repealed on October 2, 2015, unless
153 reviewed and saved from repeal through reenactment by the
154 Legislature.

155 i. The home addresses, telephone numbers, and photographs
156 of current or former juvenile probation officers, juvenile
157 probation supervisors, detention superintendents, assistant
158 detention superintendents, juvenile justice detention officers I
159 and II, juvenile justice detention officer supervisors, juvenile
160 justice residential officers, juvenile justice residential
161 officer supervisors I and II, juvenile justice counselors,
162 juvenile justice counselor supervisors, human services counselor
163 administrators, senior human services counselor administrators,
164 rehabilitation therapists, and social services counselors of the
165 Department of Juvenile Justice; the names, home addresses,
166 telephone numbers, and places of employment of spouses and
167 children of such personnel; and the names and locations of
168 schools and day care facilities attended by the children of such
169 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
170 the State Constitution.

171 j. The home addresses, telephone numbers, and photographs
172 of current or former public defenders, assistant public
173 defenders, criminal conflict and civil regional counsel, and
174 assistant criminal conflict and civil regional counsel; the home

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175 addresses, telephone numbers, and places of employment of the
176 spouses and children of such defenders or counsel; and the names
177 and locations of schools and day care facilities attended by the
178 children of such defenders or counsel are exempt from s.
179 119.07(1) and s. 24(a), Art. I of the State Constitution. This
180 sub-subparagraph is subject to the Open Government Sunset Review
181 Act in accordance with s. 119.15 and shall stand repealed on
182 October 2, 2015, unless reviewed and saved from repeal through
183 reenactment by the Legislature.

184 k. The home addresses, telephone numbers, and photographs
185 of current and former investigators and inspectors of the
186 Department of Business and Professional Regulation; the names,
187 home addresses, telephone numbers, and places of employment of
188 the spouses and children of such current or former investigators
189 and inspectors; and the names and locations of schools and day
190 care facilities attended by the children of such current or
191 former investigators and inspectors are exempt from s. 119.07(1)
192 and s. 24(a), Art. I of the State Constitution if the
193 investigator or inspector has made reasonable efforts to protect
194 such information from being accessible through other means
195 available to the public. This sub-subparagraph is subject to the
196 Open Government Sunset Review Act in accordance with s. 119.15
197 and shall stand repealed on October 2, 2017, unless reviewed and
198 saved from repeal through reenactment by the Legislature.

199 2. An agency that is the custodian of the information
200 specified in subparagraph 1. and that is not the employer of the
201 officer, employee, justice, judge, or other person specified in
202 subparagraph 1. shall maintain the exempt status of that
203 information only if the officer, employee, justice, judge, other

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204 person, or employing agency of the designated employee submits a
205 written request for maintenance of the exemption to the
206 custodial agency.

207 Section 2. The Legislature finds that it is a public
208 necessity that the home addresses, telephone numbers, and
209 photographs of current and former investigators and inspectors
210 of the Department of Business and Professional Regulation, the
211 names, home addresses, telephone numbers, and places of
212 employment of the spouses and children of such current or former
213 investigators and inspectors, and the names and locations of
214 schools and day care facilities attended by the children of such
215 current or former investigators and inspectors be made exempt
216 from public records requirements. The Legislature finds that the
217 release of such identifying and location information might place
218 the department's investigators and inspectors and their family
219 members in danger of physical and emotional harm from
220 disgruntled individuals whose business or professional practice
221 have come under the scrutiny of investigators and inspectors of
222 the department. The Legislature further finds that the harm that
223 may result from the release of such personal identifying and
224 location information outweighs any public benefit that may be
225 derived from the disclosure of the information.

226 Section 3. This act shall take effect July 1, 2012.