

By Senator Dean

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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 certain personal identifying  
5       information of current and former researchers whose  
6       duties include or included experimenting on animals  
7       for the purpose of conducting life-sustaining medical  
8       research at a public research facility, including a  
9       university; providing for future review and repeal of  
10      the exemption under the Open Government Sunset Review  
11      Act; providing a statement of public necessity;  
12      providing an effective date.

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

15  
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. For purposes of this paragraph, the term "telephone  
22      numbers" includes home telephone numbers, personal cellular  
23      telephone numbers, personal pager telephone numbers, and  
24      telephone numbers associated with personal communications  
25      devices.

26       2.a.(I) The home addresses, telephone numbers, social  
27      security numbers, dates of birth, and photographs of active or  
28      former sworn or civilian law enforcement personnel, including  
29      correctional and correctional probation officers, personnel of

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

42 (II) The names of the spouses and children of active or  
43 former sworn or civilian law enforcement personnel and the other  
44 specified agency personnel identified in sub-sub-subparagraph  
45 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the  
46 State Constitution.

47 (III) Sub-sub-subparagraph (II) is subject to the Open  
48 Government Sunset Review Act in accordance with s. 119.15, and  
49 shall stand repealed on October 2, 2018, unless reviewed and  
50 saved from repeal through reenactment by the Legislature.

51 b. The home addresses, telephone numbers, dates of birth,  
52 and photographs of firefighters certified in compliance with s.  
53 633.408; the home addresses, telephone numbers, photographs,  
54 dates of birth, and places of employment of the spouses and  
55 children of such firefighters; and the names and locations of  
56 schools and day care facilities attended by the children of such  
57 firefighters are exempt from s. 119.07(1).

58 c. The home addresses, dates of birth, and telephone

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59 numbers of current or former justices of the Supreme Court,  
60 district court of appeal judges, circuit court judges, and  
61 county court judges; the home addresses, telephone numbers,  
62 dates of birth, and places of employment of the spouses and  
63 children of current or former justices and judges; and the names  
64 and locations of schools and day care facilities attended by the  
65 children of current or former justices and judges are exempt  
66 from s. 119.07(1).

67 d.(I) The home addresses, telephone numbers, social  
68 security numbers, dates of birth, and photographs of current or  
69 former state attorneys, assistant state attorneys, statewide  
70 prosecutors, or assistant statewide prosecutors; the home  
71 addresses, telephone numbers, social security numbers,  
72 photographs, dates of birth, and places of employment of the  
73 spouses and children of current or former state attorneys,  
74 assistant state attorneys, statewide prosecutors, or assistant  
75 statewide prosecutors; and the names and locations of schools  
76 and day care facilities attended by the children of current or  
77 former state attorneys, assistant state attorneys, statewide  
78 prosecutors, or assistant statewide prosecutors are exempt from  
79 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

80 (II) The names of the spouses and children of current or  
81 former state attorneys, assistant state attorneys, statewide  
82 prosecutors, or assistant statewide prosecutors are exempt from  
83 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

84 (III) Sub-sub-subparagraph (II) is subject to the Open  
85 Government Sunset Review Act in accordance with s. 119.15, and  
86 shall stand repealed on October 2, 2018, unless reviewed and  
87 saved from repeal through reenactment by the Legislature.

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

112 f. The home addresses, telephone numbers, dates of birth,  
113 and photographs of current or former human resource, labor  
114 relations, or employee relations directors, assistant directors,  
115 managers, or assistant managers of any local government agency  
116 or water management district whose duties include hiring and

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117 firing employees, labor contract negotiation, administration, or  
118 other personnel-related duties; the names, home addresses,  
119 telephone numbers, dates of birth, and places of employment of  
120 the spouses and children of such personnel; and the names and  
121 locations of schools and day care facilities attended by the  
122 children of such personnel are exempt from s. 119.07(1) and s.  
123 24(a), Art. I of the State Constitution.

124 g. The home addresses, telephone numbers, dates of birth,  
125 and photographs of current or former code enforcement officers;  
126 the names, home addresses, telephone numbers, dates of birth,  
127 and places of employment of the spouses and children of such  
128 personnel; and the names and locations of schools and day care  
129 facilities attended by the children of such personnel are exempt  
130 from s. 119.07(1) and s. 24(a), Art. I of the State  
131 Constitution.

132 h. The home addresses, telephone numbers, places of  
133 employment, dates of birth, and photographs of current or former  
134 guardians ad litem, as defined in s. 39.820; the names, home  
135 addresses, telephone numbers, dates of birth, and places of  
136 employment of the spouses and children of such persons; and the  
137 names and locations of schools and day care facilities attended  
138 by the children of such persons are exempt from s. 119.07(1) and  
139 s. 24(a), Art. I of the State Constitution, if the guardian ad  
140 litem provides a written statement that the guardian ad litem  
141 has made reasonable efforts to protect such information from  
142 being accessible through other means available to the public.

143 i. The home addresses, telephone numbers, dates of birth,  
144 and photographs of current or former juvenile probation  
145 officers, juvenile probation supervisors, detention

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146 superintendents, assistant detention superintendents, juvenile  
147 justice detention officers I and II, juvenile justice detention  
148 officer supervisors, juvenile justice residential officers,  
149 juvenile justice residential officer supervisors I and II,  
150 juvenile justice counselors, juvenile justice counselor  
151 supervisors, human services counselor administrators, senior  
152 human services counselor administrators, rehabilitation  
153 therapists, and social services counselors of the Department of  
154 Juvenile Justice; the names, home addresses, telephone numbers,  
155 dates of birth, and places of employment of spouses and children  
156 of such personnel; and the names and locations of schools and  
157 day care facilities attended by the children of such personnel  
158 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
159 Constitution.

160 j. The home addresses, telephone numbers, dates of birth,  
161 and photographs of current or former public defenders, assistant  
162 public defenders, criminal conflict and civil regional counsel,  
163 and assistant criminal conflict and civil regional counsel; the  
164 home addresses, telephone numbers, dates of birth, and places of  
165 employment of the spouses and children of such defenders or  
166 counsel; and the names and locations of schools and day care  
167 facilities attended by the children of such defenders or counsel  
168 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
169 Constitution.

170 k. The home addresses, telephone numbers, and photographs  
171 of current or former investigators or inspectors of the  
172 Department of Business and Professional Regulation; the names,  
173 home addresses, telephone numbers, and places of employment of  
174 the spouses and children of such current or former investigators

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175 and inspectors; and the names and locations of schools and day  
176 care facilities attended by the children of such current or  
177 former investigators and inspectors are exempt from s. 119.07(1)  
178 and s. 24(a), Art. I of the State Constitution if the  
179 investigator or inspector has made reasonable efforts to protect  
180 such information from being accessible through other means  
181 available to the public. This sub-subparagraph is subject to the  
182 Open Government Sunset Review Act in accordance with s. 119.15  
183 and shall stand repealed on October 2, 2017, unless reviewed and  
184 saved from repeal through reenactment by the Legislature.

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

198 m. The home addresses, telephone numbers, dates of birth,  
199 and photographs of current or former researchers whose duties  
200 include or included experimenting on animals for the purpose of  
201 conducting life-sustaining medical research at a public research  
202 facility, including a university, are exempt from s. 119.07(1)  
203 and s. 24(a), Art. I of the State Constitution, if the

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204 researcher has made reasonable efforts to protect such  
205 information from being accessible through other means available  
206 to the public. This sub-subparagraph is subject to the Open  
207 Government Sunset Review Act in accordance with s. 119.15 and  
208 shall stand repealed on October 2, 2019, unless reviewed and  
209 saved from repeal through reenactment by the Legislature.

210 3. An agency that is the custodian of the information  
211 specified in subparagraph 2. and that is not the employer of the  
212 officer, employee, justice, judge, or other person specified in  
213 subparagraph 2. shall maintain the exempt status of that  
214 information only if the officer, employee, justice, judge, other  
215 person, or employing agency of the designated employee submits a  
216 written request for maintenance of the exemption to the  
217 custodial agency.

218 4. The exemptions in this paragraph apply to information  
219 held by an agency before, on, or after the effective date of the  
220 exemption.

221 5. Except as otherwise expressly provided in this  
222 paragraph, this paragraph is subject to the Open Government  
223 Sunset Review Act in accordance with s. 119.15, and shall stand  
224 repealed on October 2, 2017, unless reviewed and saved from  
225 repeal through reenactment by the Legislature.

226 Section 2. The Legislature finds that it is a public  
227 necessity that the home addresses, telephone numbers, dates of  
228 birth, and photographs of current or former researchers whose  
229 duties include or included experimenting on animals for the  
230 purpose of conducting life-sustaining medical research at a  
231 public research facility, including a university, be made exempt  
232 from public records requirements if the researcher has made

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233 reasonable efforts to protect such information from being  
234 accessible through other means available to the public. The  
235 Legislature finds that the release of such personal identifying  
236 information might place current or former researchers, whose  
237 duties include experimenting on animals for the purpose of such  
238 research, in danger of physical and emotional harm from  
239 individuals who are zealous animal rights activists who advocate  
240 against the use of animals for medical research. University of  
241 Florida employees have reported being harassed or threatened as  
242 a result of the posting of their home addresses and other  
243 contact information on a popular animal rights website. Thus,  
244 the Legislature finds that the harm that may result from the  
245 release of such researchers' personal identifying information  
246 outweighs any public benefit that may be derived from the  
247 disclosure of the information.

248 Section 3. This act shall take effect July 1, 2014.