

By Senator Campbell

32-726A-04

1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.07, F.S.; creating an exemption from  
4           public-records requirements; providing for the  
5           confidentiality of personal identifying  
6           information contained in records of current or  
7           former personnel of a crime laboratory or  
8           medical examiner's office and their spouses and  
9           children; providing for future repeal and  
10          legislative review under the Open Government  
11          Sunset Review Act of 1995; providing a  
12          statement of public necessity; providing an  
13          effective date.

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

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17           Section 1. Paragraph (i) of subsection (3) of section  
18          119.07, Florida Statutes, is amended to read:

19           119.07 Inspection, examination, and duplication of  
20          records; exemptions.--

21           (3)

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

1 and enforcement or child support enforcement; the home  
2 addresses, telephone numbers, social security numbers,  
3 photographs, and places of employment of the spouses and  
4 children of such personnel; and the names and locations of  
5 schools and day care facilities attended by the children of  
6 such personnel are exempt from the provisions of subsection  
7 (1). The home addresses, telephone numbers, and photographs of  
8 firefighters certified in compliance with s. 633.35; the home  
9 addresses, telephone numbers, photographs, and places of  
10 employment of the spouses and children of such firefighters;  
11 and the names and locations of schools and day care facilities  
12 attended by the children of such firefighters are exempt from  
13 subsection (1). The home addresses and telephone numbers of  
14 justices of the Supreme Court, district court of appeal  
15 judges, circuit court judges, and county court judges; the  
16 home addresses, telephone numbers, and places of employment of  
17 the spouses and children of justices and judges; and the names  
18 and locations of schools and day care facilities attended by  
19 the children of justices and judges are exempt from the  
20 provisions of subsection (1). The home addresses, telephone  
21 numbers, social security numbers, and photographs of current  
22 or former state attorneys, assistant state attorneys,  
23 statewide prosecutors, or assistant statewide prosecutors; the  
24 home addresses, telephone numbers, social security numbers,  
25 photographs, and places of employment of the spouses and  
26 children of current or former state attorneys, assistant state  
27 attorneys, statewide prosecutors, or assistant statewide  
28 prosecutors; and the names and locations of schools and day  
29 care facilities attended by the children of current or former  
30 state attorneys, assistant state attorneys, statewide  
31 prosecutors, or assistant statewide prosecutors are exempt

1 from subsection (1) and s. 24(a), Art. I of the State  
2 Constitution.

3           2. The home addresses, telephone numbers, social  
4 security numbers, and photographs of current or former human  
5 resource, labor relations, or employee relations directors,  
6 assistant directors, managers, or assistant managers of any  
7 local government agency or water management district whose  
8 duties include hiring and firing employees, labor contract  
9 negotiation, administration, or other personnel-related  
10 duties; the names, home addresses, telephone numbers, social  
11 security numbers, photographs, and places of employment of the  
12 spouses and children of such personnel; and the names and  
13 locations of schools and day care facilities attended by the  
14 children of such personnel are exempt from subsection (1) and  
15 s. 24(a), Art. I of the State Constitution. This subparagraph  
16 is subject to the Open Government Sunset Review Act of 1995 in  
17 accordance with s. 119.15, and shall stand repealed on October  
18 2, 2006, unless reviewed and saved from repeal through  
19 reenactment by the Legislature.

20           3. The home addresses, telephone numbers, social  
21 security numbers, and photographs of current or former code  
22 enforcement officers; the names, home addresses, telephone  
23 numbers, social security numbers, photographs, and places of  
24 employment of the spouses and children of such persons; and  
25 the names and locations of schools and day care facilities  
26 attended by the children of such persons are exempt from  
27 subsection (1) and s. 24(a), Art. I of the State Constitution.  
28 This subparagraph is subject to the Open Government Sunset  
29 Review Act of 1995 in accordance with s. 119.15, and shall  
30 stand repealed on October 2, 2006, unless reviewed and saved  
31 from repeal through reenactment by the Legislature.

1           4.a. The home addresses, telephone numbers, social  
2 security numbers, and photographs of current or former  
3 personnel of a crime laboratory or medical examiner's office;  
4 the names, home addresses, telephone numbers, social security  
5 numbers, photographs, and places of employment of spouses and  
6 children of current or former personnel of a crime laboratory  
7 or medical examiner's office; and the names and locations of  
8 schools and day care facilities attended by children of  
9 current or former personnel of a crime laboratory or medical  
10 examiner's office are exempt from subsection (1) and s. 24(a),  
11 Art. I of the State Constitution. For purposes of this  
12 sub-subparagraph, personnel of a crime laboratory or medical  
13 examiner's office are defined as personnel whose primary  
14 duties or responsibilities include performing laboratory and  
15 analytical work in criminal identification and investigation;  
16 photographing crime scenes; classifying, evaluating, and  
17 identifying fingerprints; or supervising one or more persons  
18 who have those duties or responsibilities.

19           b. Sub-subparagraph a. is subject to the Open  
20 Government Sunset Review Act of 1995 in accordance with s.  
21 119.15, and shall stand repealed on October 2, 2009, unless  
22 reviewed and saved from repeal through reenactment by the  
23 Legislature.

24           ~~5.4.~~ An agency that is the custodian of the personal  
25 information specified in subparagraph 1., subparagraph 2., ~~or~~  
26 subparagraph 3., or subparagraph 4.and that is not the  
27 employer of the officer, employee, justice, judge, or other  
28 person specified in subparagraph 1., subparagraph 2., ~~or~~  
29 subparagraph 3., or subparagraph 4.shall maintain the  
30 confidentiality of the personal information only if the  
31 officer, employee, justice, judge, other person, or employing

1 agency of the designated employee submits a written request  
2 for confidentiality to the custodial agency.

3 Section 2. The Legislature finds that the exemption  
4 from public-records requirements provided by this act for  
5 identifying information relating to current and former  
6 personnel of a crime laboratory or medical examiner's office  
7 and their families is a public necessity. This act is  
8 justified because, if such information were not confidential,  
9 personnel of a crime laboratory or medical examiner's office  
10 or their family members could be harmed or threatened with  
11 harm by a criminal defendant or by a friend or family member  
12 of a criminal defendant.

13 Section 3. This act shall take effect October 1, 2004.

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16 SENATE SUMMARY

17 Provides that personnel identifying information contained  
18 in records for personnel of a crime laboratory or medical  
19 examiner's office and their spouses and children are  
20 exempt from disclosure under the public records law.  
Provides for future legislative review and repeal of the  
21 exemption.

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