

1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act regarding identification and location  
 4           information of federal attorneys and judges; amending s.  
 5           119.071, F.S.; reorganizing provisions to relocate the  
 6           public record exemption for identification and location  
 7           information of current or former United States attorneys  
 8           and assistant United States attorneys and the spouses and  
 9           children thereof and current or former judges of United  
 10          States Courts of Appeal, United States district judges,  
 11          and United States magistrates and the spouses and children  
 12          thereof; defining "identification and location  
 13          information"; providing that the exemption is conditioned  
 14          upon submission by the attorney, judge, or magistrate of a  
 15          written request for the exemption and a written statement  
 16          that reasonable efforts have been made to protect the  
 17          information from disclosure through other means; removing  
 18          the scheduled repeals of the exemptions; providing an  
 19          effective date.

20  
 21   Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. Paragraph (d) of subsection (4) of section  
 24   119.071, Florida Statutes, is amended, and paragraph (i) is  
 25   added to subsection (5) of that section, to read:

26           119.071 General exemptions from inspection or copying of  
 27   public records.--

28           (4) AGENCY PERSONNEL INFORMATION.--

HB 7037

2009

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

45           b. The home addresses, telephone numbers, and photographs  
46 of firefighters certified in compliance with s. 633.35; the home  
47 addresses, telephone numbers, photographs, and places of  
48 employment of the spouses and children of such firefighters; and  
49 the names and locations of schools and day care facilities  
50 attended by the children of such firefighters are exempt from s.  
51 119.07(1).

52           c. The home addresses and telephone numbers of justices of  
53 the Supreme Court, district court of appeal judges, circuit  
54 court judges, and county court judges; the home addresses,  
55 telephone numbers, and places of employment of the spouses and  
56 children of justices and judges; and the names and locations of

HB 7037

2009

57 | schools and day care facilities attended by the children of  
58 | justices and judges are exempt from s. 119.07(1).

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

72 |     ~~e.b.~~ The home addresses and telephone numbers of general  
73 | magistrates, special magistrates, judges of compensation claims,  
74 | administrative law judges of the Division of Administrative  
75 | Hearings, and child support enforcement hearing officers; the  
76 | home addresses, telephone numbers, and places of employment of  
77 | the spouses and children of general magistrates, special  
78 | magistrates, judges of compensation claims, administrative law  
79 | judges of the Division of Administrative Hearings, and child  
80 | support enforcement hearing officers; and the names and  
81 | locations of schools and day care facilities attended by the  
82 | children of general magistrates, special magistrates, judges of  
83 | compensation claims, administrative law judges of the Division  
84 | of Administrative Hearings, and child support enforcement

HB 7037

2009

85 hearing officers are exempt from s. 119.07(1) and s. 24(a), Art.  
86 I of the State Constitution if the general magistrate, special  
87 magistrate, judge of compensation claims, administrative law  
88 judge of the Division of Administrative Hearings, or child  
89 support hearing officer provides a written statement that the  
90 general magistrate, special magistrate, judge of compensation  
91 claims, administrative law judge of the Division of  
92 Administrative Hearings, or child support hearing officer has  
93 made reasonable efforts to protect such information from being  
94 accessible through other means available to the public. This  
95 sub-subparagraph is subject to the Open Government Sunset Review  
96 Act in accordance with s. 119.15, and shall stand repealed on  
97 October 2, 2013, unless reviewed and saved from repeal through  
98 reenactment by the Legislature.

99 f.2. The home addresses, telephone numbers, and  
100 photographs of current or former human resource, labor  
101 relations, or employee relations directors, assistant directors,  
102 managers, or assistant managers of any local government agency  
103 or water management district whose duties include hiring and  
104 firing employees, labor contract negotiation, administration, or  
105 other personnel-related duties; the names, home addresses,  
106 telephone numbers, and places of employment of the spouses and  
107 children of such personnel; and the names and locations of  
108 schools and day care facilities attended by the children of such  
109 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
110 the State Constitution.

111 ~~3. The home addresses, telephone numbers, social security~~  
112 ~~numbers, and photographs of current or former United States~~

HB 7037

2009

113 ~~attorneys and assistant United States attorneys; the home~~  
114 ~~addresses, telephone numbers, social security numbers,~~  
115 ~~photographs, and places of employment of the spouses and~~  
116 ~~children of current or former United States attorneys and~~  
117 ~~assistant United States attorneys; and the names and locations~~  
118 ~~of schools and day care facilities attended by the children of~~  
119 ~~current or former United States attorneys and assistant United~~  
120 ~~States attorneys are exempt from s. 119.07(1) and s. 24(a), Art.~~  
121 ~~I of the State Constitution. This subparagraph is subject to the~~  
122 ~~Open Government Sunset Review Act in accordance with s. 119.15~~  
123 ~~and shall stand repealed on October 2, 2009, unless reviewed and~~  
124 ~~saved from repeal through reenactment by the Legislature.~~

125 ~~4. The home addresses, telephone numbers, social security~~  
126 ~~numbers, and photographs of current or former judges of United~~  
127 ~~States Courts of Appeal, United States district judges, and~~  
128 ~~United States magistrate judges; the home addresses, telephone~~  
129 ~~numbers, social security numbers, photographs, and places of~~  
130 ~~employment of the spouses and children of current or former~~  
131 ~~judges of United States Courts of Appeal, United States district~~  
132 ~~judges, and United States magistrate judges; and the names and~~  
133 ~~locations of schools and day care facilities attended by the~~  
134 ~~children of current or former judges of United States Courts of~~  
135 ~~Appeal, United States district judges, and United States~~  
136 ~~magistrate judges are exempt from s. 119.07(1) and s. 24(a),~~  
137 ~~Art. I of the State Constitution. This subparagraph is subject~~  
138 ~~to the Open Government Sunset Review Act in accordance with s.~~  
139 ~~119.15 and shall stand repealed on October 2, 2009, unless~~

HB 7037

2009

140 ~~reviewed and saved from repeal through reenactment by the~~  
141 ~~Legislature.~~

142 g.5. The home addresses, telephone numbers, and  
143 photographs of current or former code enforcement officers; the  
144 names, home addresses, telephone numbers, and places of  
145 employment of the spouses and children of such personnel; and  
146 the names and locations of schools and day care facilities  
147 attended by the children of such personnel are exempt from s.  
148 119.07(1) and s. 24(a), Art. I of the State Constitution.

149 h.6. The home addresses, telephone numbers, places of  
150 employment, and photographs of current or former guardians ad  
151 litem, as defined in s. 39.820, and the names, home addresses,  
152 telephone numbers, and places of employment of the spouses and  
153 children of such persons, are exempt from s. 119.07(1) and s.  
154 24(a), Art. I of the State Constitution, if the guardian ad  
155 litem provides a written statement that the guardian ad litem  
156 has made reasonable efforts to protect such information from  
157 being accessible through other means available to the public.  
158 This sub-subparagraph ~~subparagraph~~ is subject to the Open  
159 Government Sunset Review Act in accordance with s. 119.15 and  
160 shall stand repealed on October 2, 2010, unless reviewed and  
161 saved from repeal through reenactment by the Legislature.

162 i.7. The home addresses, telephone numbers, and  
163 photographs of current or former juvenile probation officers,  
164 juvenile probation supervisors, detention superintendents,  
165 assistant detention superintendents, senior juvenile detention  
166 officers, juvenile detention officer supervisors, juvenile  
167 detention officers, house parents I and II, house parent

168 supervisors, group treatment leaders, group treatment leader  
 169 supervisors, rehabilitation therapists, and social services  
 170 counselors of the Department of Juvenile Justice; the names,  
 171 home addresses, telephone numbers, and places of employment of  
 172 spouses and children of such personnel; and the names and  
 173 locations of schools and day care facilities attended by the  
 174 children of such personnel are exempt from s. 119.07(1) and s.  
 175 24(a), Art. I of the State Constitution. This sub-subparagraph  
 176 ~~subparagraph~~ is subject to the Open Government Sunset Review Act  
 177 in accordance with s. 119.15 and shall stand repealed on October  
 178 2, 2011, unless reviewed and saved from repeal through  
 179 reenactment by the Legislature.

180 ~~2.8.~~ An agency that is the custodian of the ~~personal~~  
 181 information specified in subparagraph 1., ~~subparagraph 2.,~~  
 182 ~~subparagraph 3., subparagraph 4., subparagraph 5., subparagraph~~  
 183 ~~6., or subparagraph 7.~~ and that is not the employer of the  
 184 officer, employee, justice, judge, or other person specified in  
 185 subparagraph 1., ~~subparagraph 2., subparagraph 3., subparagraph~~  
 186 ~~4., subparagraph 5., subparagraph 6., or subparagraph 7.~~ shall  
 187 maintain the exempt status of that ~~the personal~~ information only  
 188 if the officer, employee, justice, judge, other person, or  
 189 employing agency of the designated employee submits a written  
 190 request for maintenance of the exemption to the custodial  
 191 agency.

192 (5) OTHER PERSONAL INFORMATION.--

193 (i)1. For purposes of this paragraph, "identification and  
 194 location information" means the:

195        a. Home address, telephone number, and photograph of a  
 196 current or former United States attorney, assistant United  
 197 States attorney, judge of the United States Courts of Appeal,  
 198 United States district judge, or United States magistrate;  
 199        b. Home address, telephone number, photograph, and place  
 200 of employment of the spouse or child of such attorney, judge, or  
 201 magistrate; and  
 202        c. Name and location of the school or day care facility  
 203 attended by the child of such attorney, judge, or magistrate.  
 204        2. Identification and location information held by an  
 205 agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the  
 206 State Constitution if such attorney, judge, or magistrate  
 207 submits to an agency that has custody of the identification and  
 208 location information:  
 209        a. A written request to exempt such information from  
 210 public disclosure; and  
 211        b. A written statement that he or she has made reasonable  
 212 efforts to protect the identification and location information  
 213 from being accessible through other means available to the  
 214 public.  
 215        Section 2. This act shall take effect October 1, 2009.