



HB 0123

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CHAMBER ACTION

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6 the Committee on State Administration recommends the following:

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8 **Committee Substitute**

9 Remove the entire bill and insert:

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11 A bill to be entitled
12 An act relating to exemption from public records
13 requirements; amending s. 119.07, F.S.; providing an
14 exemption from public records requirements for cellular
15 telephone numbers, electronic pager numbers, specified
16 identification numbers and access codes for certain
17 electronic communications devices, and the billing records
18 of such numbers, identification numbers, and access codes
19 of active or former law enforcement officers; requiring
20 the Auditor General to report misuse of a cellular
21 telephone or electronic pager by an active or former law
22 enforcement officer; providing for exempt status of
23 information obtained by the Auditor General and exceptions
24 with respect thereto; providing for future review and
25 repeal of the exemption; providing a statement of public
26 necessity; providing an effective date.

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



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

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

(3)

(i) 1.a. The home addresses, telephone numbers, cellular telephone numbers and the billing records of such cellular telephone numbers, electronic pager numbers and the billing records of such electronic pager numbers, user-specific identification numbers or access codes for any electronic communications device issued by an employing agency and used in the course of employment in this state and the billing records of such identification numbers or access codes, social security numbers, and photographs of active or former law enforcement officers; the home addresses, telephone numbers, social security numbers, and photographs of active or former ~~law enforcement personnel, including~~ correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such



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57 | officers and personnel; and the names and locations of schools
58 | and day care facilities attended by the children of such
59 | officers and personnel are exempt from the provisions of
60 | subsection (1) and s. 24(a), Art. I of the State Constitution.
61 | Any apparent misuse of a cellular telephone or an electronic
62 | pager by an active or former law enforcement officer that is
63 | noted during an audit of a law enforcement agency by the Auditor
64 | General must be reported by the Auditor General to the governing
65 | body responsible for the law enforcement agency. Any information
66 | obtained by the Auditor General that is exempt pursuant to this
67 | sub-subparagraph shall remain exempt unless the information
68 | relates to such misuse of a cellular telephone or an electronic
69 | pager. This sub-subparagraph is subject to the Open Government
70 | Sunset Review Act of 1995 in accordance with s. 119.15 and shall
71 | stand repealed on October 2, 2008, unless reviewed and saved
72 | from repeal through reenactment by the Legislature.

73 | b. The home addresses, telephone numbers, and photographs
74 | of firefighters certified in compliance with s. 633.35; the home
75 | addresses, telephone numbers, photographs, and places of
76 | employment of the spouses and children of such firefighters; and
77 | the names and locations of schools and day care facilities
78 | attended by the children of such firefighters are exempt from
79 | subsection (1).

80 | c. The home addresses and telephone numbers of justices of
81 | the Supreme Court, district court of appeal judges, circuit
82 | court judges, and county court judges; the home addresses,
83 | telephone numbers, and places of employment of the spouses and
84 | children of justices and judges; and the names and locations of



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85 | schools and day care facilities attended by the children of
86 | justices and judges are exempt from the provisions of subsection
87 | (1).

88 | d. The home addresses, telephone numbers, social security
89 | numbers, and photographs of current or former state attorneys,
90 | assistant state attorneys, statewide prosecutors, or assistant
91 | statewide prosecutors; the home addresses, telephone numbers,
92 | social security numbers, photographs, and places of employment
93 | of the spouses and children of current or former state
94 | attorneys, assistant state attorneys, statewide prosecutors, or
95 | assistant statewide prosecutors; and the names and locations of
96 | schools and day care facilities attended by the children of
97 | current or former state attorneys, assistant state attorneys,
98 | statewide prosecutors, or assistant statewide prosecutors are
99 | exempt from subsection (1) and s. 24(a), Art. I of the State
100 | Constitution.

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



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113 the State Constitution. This subparagraph is subject to the Open
114 Government Sunset Review Act of 1995 in accordance with s.
115 119.15, and shall stand repealed on October 2, 2006, unless
116 reviewed and saved from repeal through reenactment by the
117 Legislature.

118 3. The home addresses, telephone numbers, social security
119 numbers, and photographs of current or former code enforcement
120 officers; the names, home addresses, telephone numbers, social
121 security numbers, photographs, and places of employment of the
122 spouses and children of such persons; and the names and
123 locations of schools and day care facilities attended by the
124 children of such persons are exempt from subsection (1) and s.
125 24(a), Art. I of the State Constitution. This subparagraph is
126 subject to the Open Government Sunset Review Act of 1995 in
127 accordance with s. 119.15, and shall stand repealed on October
128 2, 2006, unless reviewed and saved from repeal through
129 reenactment by the Legislature.

130 4. An agency that is the custodian of the personal
131 information specified in subparagraph 1., subparagraph 2., or
132 subparagraph 3. and that is not the employer of the officer,
133 employee, justice, judge, or other person specified in
134 subparagraph 1., subparagraph 2., or subparagraph 3. shall
135 maintain the confidentiality of the personal information only if
136 the officer, employee, justice, judge, other person, or
137 employing agency of the designated employee submits a written
138 request for confidentiality to the custodial agency.

139 Section 2. The Legislature finds that the exemption from
140 public records requirements provided by this act is a public



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141 | necessity because law enforcement officers and former law
142 | enforcement officers can be identified as such by connecting
143 | them with cellular telephone numbers, electronic pager numbers,
144 | user-specific identification numbers or access codes for
145 | electronic communications devices that are or have been used in
146 | the course of their employment, and the billing records of such
147 | numbers, identification numbers, or access codes. The
148 | identification of law enforcement officers through such numbers,
149 | identification numbers, and access codes and the billing records
150 | of such numbers and codes can compromise investigations,
151 | undermine law enforcement officers' ability to apprehend
152 | suspects, and compromise the physical safety of law enforcement
153 | officers. With respect to former law enforcement officers, such
154 | numbers and access codes and the billing records of such numbers
155 | and access codes, if made public, could also jeopardize ongoing
156 | investigations, law enforcement informers and contacts, and the
157 | safety of former law enforcement officers because such numbers
158 | and access codes could be used to connect a former law
159 | enforcement officer to an investigation. Consequently, the
160 | Legislature finds that cellular telephone numbers, electronic
161 | pager numbers, user-specific identification numbers or access
162 | codes for electronic communications devices that are or have
163 | been used in the course of employment of law enforcement
164 | officers and former law enforcement officers, and the billing
165 | records of such numbers, identification numbers, and access
166 | codes must be exempt from public records requirements.

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