



HB 0123

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CHAMBER ACTION

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The Committee on Public Safety & Crime Prevention recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to exemption from public records requirements; amending s. 119.07, F.S.; providing an exemption from public records requirements for cellular telephone numbers, electronic pager numbers, specified identification numbers and access codes for certain electronic communications devices, and the identifying numbers contained in the billing records of such numbers, identification numbers, and access codes of active or former law enforcement officers; requiring the Auditor General to report misuse of a cellular telephone or electronic pager by an active or former law enforcement officer; providing for exempt status of information obtained by the Auditor General and exceptions with respect thereto; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.



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

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 identifying numbers contained in the billing records of such cellular telephone numbers, electronic pager numbers and the identifying numbers contained in 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 identifying numbers contained in 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



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

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



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84 | c. The home addresses and telephone numbers of justices of
85 | the Supreme Court, district court of appeal judges, circuit
86 | court judges, and county court judges; the home addresses,
87 | telephone numbers, and places of employment of the spouses and
88 | children of justices and judges; and the names and locations of
89 | schools and day care facilities attended by the children of
90 | justices and judges are exempt from the provisions of subsection
91 | (1).

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

105 | 2. The home addresses, telephone numbers, social security
106 | numbers, and photographs of current or former human resource,
107 | labor relations, or employee relations directors, assistant
108 | directors, managers, or assistant managers of any local
109 | government agency or water management district whose duties
110 | include hiring and firing employees, labor contract negotiation,
111 | administration, or other personnel-related duties; the names,



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112 home addresses, telephone numbers, social security numbers,
113 photographs, and places of employment of the spouses and
114 children of such personnel; and the names and locations of
115 schools and day care facilities attended by the children of such
116 personnel are exempt from subsection (1) and s. 24(a), Art. I of
117 the State Constitution. This subparagraph is subject to the Open
118 Government Sunset Review Act of 1995 in accordance with s.
119 119.15, and shall stand repealed on October 2, 2006, unless
120 reviewed and saved from repeal through reenactment by the
121 Legislature.

122 3. The home addresses, telephone numbers, social security
123 numbers, and photographs of current or former code enforcement
124 officers; the names, home addresses, telephone numbers, social
125 security numbers, photographs, and places of employment of the
126 spouses and children of such persons; and the names and
127 locations of schools and day care facilities attended by the
128 children of such persons are exempt from subsection (1) and s.
129 24(a), Art. I of the State Constitution. This subparagraph is
130 subject to the Open Government Sunset Review Act of 1995 in
131 accordance with s. 119.15, and shall stand repealed on October
132 2, 2006, unless reviewed and saved from repeal through
133 reenactment by the Legislature.

134 4. An agency that is the custodian of the personal
135 information specified in subparagraph 1., subparagraph 2., or
136 subparagraph 3. and that is not the employer of the officer,
137 employee, justice, judge, or other person specified in
138 subparagraph 1., subparagraph 2., or subparagraph 3. shall
139 maintain the confidentiality of the personal information only if



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140 the officer, employee, justice, judge, other person, or
141 employing agency of the designated employee submits a written
142 request for confidentiality to the custodial agency.

143 Section 2. The Legislature finds that the exemption from
144 public records requirements provided by this act is a public
145 necessity because law enforcement officers and former law
146 enforcement officers can be identified as such by connecting
147 them with cellular telephone numbers, electronic pager numbers,
148 user-specific identification numbers or access codes for
149 electronic communications devices that are or have been used in
150 the course of their employment, and the identifying numbers
151 contained in the billing records of such numbers, identification
152 numbers, or access codes. The identification of law enforcement
153 officers through such numbers, identification numbers, and
154 access codes and the identifying numbers contained in the
155 billing records of such numbers and codes can compromise
156 investigations, undermine law enforcement officers' ability to
157 apprehend suspects, and compromise the physical safety of law
158 enforcement officers. With respect to former law enforcement
159 officers, such numbers and access codes and the identifying
160 numbers contained in the billing records of such numbers and
161 access codes, if made public, could also jeopardize ongoing
162 investigations, law enforcement informers and contacts, and the
163 safety of former law enforcement officers because such numbers
164 and access codes could be used to connect a former law
165 enforcement officer to an investigation. Consequently, the
166 Legislature finds that cellular telephone numbers, electronic
167 pager numbers, user-specific identification numbers or access



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168 codes for electronic communications devices that are or have
169 been used in the course of employment of law enforcement
170 officers and former law enforcement officers, and the
171 identifying numbers contained in the billing records of such
172 numbers, identification numbers, and access codes must be exempt
173 from public records requirements.

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