

By Senator Posey

24-660-03

See HB 123

1                                   A bill to be entitled  
2           An act relating to exemption from public  
3           records requirements; amending s. 119.07, F.S.;  
4           providing an exemption from public records  
5           requirements for electronic mail addresses,  
6           cellular telephone numbers, electronic pager  
7           numbers, specified identification numbers and  
8           access codes, and the billing records of such  
9           addresses, numbers, identification numbers, and  
10          access codes of active or former law  
11          enforcement personnel, including correctional  
12          and correctional probation officers, and  
13          specified personnel of the Department of  
14          Children and Family Services, the Department of  
15          Health, the Department of Revenue, and local  
16          governments; providing for future review and  
17          repeal of the exemption; providing a statement  
18          of public necessity; providing an effective  
19          date.

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

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23           Section 1. Paragraph (i) of subsection (3) of section  
24 119.07, Florida Statutes, is amended to read:

25           119.07 Inspection, examination, and duplication of  
26 records; exemptions.--

27           (3)

28           (i)1. The home addresses, electronic mail addresses  
29 and the billing records of such electronic mail addresses,  
30 telephone numbers, cellular telephone numbers, including the  
31 number of a cellular telephone issued by an employing agency

1 and used in the course of employment in this state, and the  
2 billing records of such cellular telephone numbers, electronic  
3 pager numbers and the billing records of such electronic pager  
4 numbers, user-specific electronic identification numbers or  
5 access codes for any electronic communications device issued  
6 by an employing agency and used in the course of employment in  
7 this state and the billing records of such identification  
8 numbers or access codes,social security numbers, and  
9 photographs of active or former law enforcement personnel,  
10 including correctional and correctional probation officers,  
11 personnel of the Department of Children and Family Services  
12 whose duties include the investigation of abuse, neglect,  
13 exploitation, fraud, theft, or other criminal activities,  
14 personnel of the Department of Health whose duties are to  
15 support the investigation of child abuse or neglect, and  
16 personnel of the Department of Revenue or local governments  
17 whose responsibilities include revenue collection and  
18 enforcement or child support enforcement; the home addresses,  
19 telephone numbers, social security numbers, photographs, and  
20 places of employment of the spouses and children of such  
21 personnel; and the names and locations of schools and day care  
22 facilities attended by the children of such personnel are  
23 exempt from the provisions of subsection (1). The home  
24 addresses, telephone numbers, and photographs of firefighters  
25 certified in compliance with s. 633.35; the home addresses,  
26 telephone numbers, photographs, and places of employment of  
27 the spouses and children of such firefighters; and the names  
28 and locations of schools and day care facilities attended by  
29 the children of such firefighters are exempt from subsection  
30 (1). The home addresses and telephone numbers of justices of  
31 the Supreme Court, district court of appeal judges, circuit

1 court judges, and county court judges; the home addresses,  
2 telephone numbers, and places of employment of the spouses and  
3 children of justices and judges; and the names and locations  
4 of schools and day care facilities attended by the children of  
5 justices and judges are exempt from the provisions of  
6 subsection (1). The home addresses, telephone numbers, social  
7 security numbers, and photographs of current or former state  
8 attorneys, assistant state attorneys, statewide prosecutors,  
9 or assistant statewide prosecutors; the home addresses,  
10 telephone numbers, social security numbers, photographs, and  
11 places of employment of the spouses and children of current or  
12 former state attorneys, assistant state attorneys, statewide  
13 prosecutors, or assistant statewide prosecutors; and the names  
14 and locations of schools and day care facilities attended by  
15 the children of current or former state attorneys, assistant  
16 state attorneys, statewide prosecutors, or assistant statewide  
17 prosecutors are exempt from subsection (1) and s. 24(a), Art.  
18 I of the State Constitution. This subparagraph is subject to  
19 the Open Government Sunset Review Act of 1995 in accordance  
20 with s. 119.15, and shall stand repealed on October 2, 2008,  
21 unless reviewed and saved from repeal through reenactment by  
22 the Legislature.

23           2. The home addresses, telephone numbers, social  
24 security numbers, and photographs of current or former human  
25 resource, labor relations, or employee relations directors,  
26 assistant directors, managers, or assistant managers of any  
27 local government agency or water management district whose  
28 duties include hiring and firing employees, labor contract  
29 negotiation, administration, or other personnel-related  
30 duties; the names, home addresses, telephone numbers, social  
31 security numbers, photographs, and places of employment of the

1 spouses and children of such personnel; and the names and  
2 locations of schools and day care facilities attended by the  
3 children of such personnel are exempt from subsection (1) and  
4 s. 24(a), Art. I of the State Constitution. This subparagraph  
5 is subject to the Open Government Sunset Review Act of 1995 in  
6 accordance with s. 119.15, and shall stand repealed on October  
7 2, 2006, unless reviewed and saved from repeal through  
8 reenactment by the Legislature.

9           3. The home addresses, telephone numbers, social  
10 security numbers, and photographs of current or former code  
11 enforcement officers; the names, home addresses, telephone  
12 numbers, social security numbers, photographs, and places of  
13 employment of the spouses and children of such persons; and  
14 the names and locations of schools and day care facilities  
15 attended by the children of such persons are exempt from  
16 subsection (1) and s. 24(a), Art. I of the State Constitution.  
17 This subparagraph is subject to the Open Government Sunset  
18 Review Act of 1995 in accordance with s. 119.15, and shall  
19 stand repealed on October 2, 2006, unless reviewed and saved  
20 from repeal through reenactment by the Legislature.

21           4. An agency that is the custodian of the personal  
22 information specified in subparagraph 1., subparagraph 2., or  
23 subparagraph 3. and that is not the employer of the officer,  
24 employee, justice, judge, or other person specified in  
25 subparagraph 1., subparagraph 2., or subparagraph 3. shall  
26 maintain the confidentiality of the personal information only  
27 if the officer, employee, justice, judge, other person, or  
28 employing agency of the designated employee submits a written  
29 request for confidentiality to the custodial agency.

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

1 public necessity because law enforcement officers and former  
2 law enforcement officers can be identified as such by  
3 connecting them with electronic mail addresses, cellular  
4 telephone numbers, electronic pager numbers, user-specific  
5 identification numbers or access codes for electronic  
6 communications devices that are or have been used in the  
7 course of their employment, and the billing records of such  
8 addresses, numbers, identification numbers, or access  
9 codes. The identification of law enforcement officers through  
10 such addresses, numbers, identification numbers, and access  
11 codes and the billing records of such addresses, numbers and  
12 codes can compromise investigations, undermine law enforcement  
13 officers' ability to apprehend suspects, and compromise the  
14 physical safety of law enforcement officers. With respect to  
15 former law enforcement officers, such addresses, numbers, and  
16 access codes and the billing records of such addresses,  
17 numbers and access codes, if made public, could also  
18 jeopardize ongoing investigations, law enforcement informers  
19 and contacts, and the safety of former law enforcement  
20 officers because such addresses, numbers, and access codes  
21 could be used to connect a former law enforcement officer to  
22 an investigation. Consequently, the Legislature finds that  
23 electronic mail addresses, cellular telephone numbers,  
24 electronic pager numbers, user-specific identification numbers  
25 or access codes for electronic communications devices that are  
26 or have been used in the course of employment of law  
27 enforcement officers and former law enforcement officers, and  
28 the billing records of such addresses, numbers, identification  
29 numbers, and access codes must be exempt from public records  
30 requirements.  
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1           Section 3. This act shall take effect upon becoming a  
2 law.  
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