

By the Committee on Criminal Justice; and Senator Posey

307-2293-03

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 cellular telephone numbers,
6 electronic pager numbers, specified
7 identification numbers and access codes for
8 certain electronic communications devices, and
9 the billing records of such numbers,
10 identification numbers, and access codes of
11 active or former law enforcement officers;
12 requiring the Auditor General to report misuse
13 of a cellular telephone or electronic pager by
14 an active or former law enforcement officer;
15 providing for exempt status of information
16 obtained by the Auditor General and exceptions
17 with respect thereto; providing for future
18 review and repeal of the exemption; providing a
19 statement of public necessity; providing an
20 effective date.

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

23
24 Section 1. Paragraph (i) of subsection (3) of section
25 119.07, Florida Statutes, is amended to read:

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

28 (3)

29 (i) 1.a. The home addresses, telephone numbers,
30 cellular telephone numbers and the billing records of such
31 cellular telephone numbers, electronic pager numbers and the

1 billing records of such electronic pager numbers,
2 user-specific identification numbers or access codes for any
3 electronic communications device issued by an employing agency
4 and used in the course of employment in this state and the
5 billing records of such identification numbers or access
6 codes, social security numbers, and photographs of active or
7 former law enforcement officers;the home addresses, telephone
8 numbers, social security numbers, and photographs of active or
9 ~~former law enforcement personnel, including~~ correctional and
10 correctional probation officers, personnel of the Department
11 of Children and Family Services whose duties include the
12 investigation of abuse, neglect, exploitation, fraud, theft,
13 or other criminal activities, personnel of the Department of
14 Health whose duties are to support the investigation of child
15 abuse or neglect, and personnel of the Department of Revenue
16 or local governments whose responsibilities include revenue
17 collection and enforcement or child support enforcement; the
18 home addresses, telephone numbers, social security numbers,
19 photographs, and places of employment of the spouses and
20 children of such officers and personnel; and the names and
21 locations of schools and day care facilities attended by the
22 children of such officers and personnel are exempt from the
23 provisions of subsection (1) and s. 24(a), Art. I of the State
24 Constitution. Any apparent misuse of a cellular telephone or
25 an electronic pager by an active or former law enforcement
26 officer that is noted during an audit of a law enforcement
27 agency by the Auditor General must be reported by the Auditor
28 General to the governing body responsible for the law
29 enforcement agency. Any information obtained by the Auditor
30 General that is exempt pursuant to this sub-subparagraph shall
31 remain exempt unless the information relates to such misuse of

1 a cellular telephone or an electronic pager. This
2 sub-subparagraph is subject to the Open Government Sunset
3 Review Act of 1995 in accordance with s. 119.15 and shall
4 stand repealed on October 2, 2008, unless reviewed and saved
5 from repeal through reenactment by the Legislature.

6 b. The home addresses, telephone numbers, and
7 photographs of firefighters certified in compliance with s.
8 633.35; the home addresses, telephone numbers, photographs,
9 and places of employment of the spouses and children of such
10 firefighters; and the names and locations of schools and day
11 care facilities attended by the children of such firefighters
12 are exempt from subsection (1).

13 c. 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).

21 d. The home addresses, telephone numbers, social
22 security numbers, and photographs of current or former state
23 attorneys, assistant state attorneys, statewide prosecutors,
24 or assistant statewide prosecutors; the home addresses,
25 telephone numbers, social security numbers, photographs, and
26 places of employment of the spouses and children of current or
27 former state attorneys, assistant state attorneys, statewide
28 prosecutors, or assistant statewide prosecutors; and the names
29 and locations of schools and day care facilities attended by
30 the children of current or former state attorneys, assistant
31 state attorneys, statewide prosecutors, or assistant statewide

1 prosecutors are exempt from subsection (1) and s. 24(a), Art.
2 I of the State 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. An agency that is the custodian of the personal
2 information specified in subparagraph 1., subparagraph 2., or
3 subparagraph 3. and that is not the employer of the officer,
4 employee, justice, judge, or other person specified in
5 subparagraph 1., subparagraph 2., or subparagraph 3. shall
6 maintain the confidentiality of the personal information only
7 if the officer, employee, justice, judge, other person, or
8 employing agency of the designated employee submits a written
9 request for confidentiality to the custodial agency.

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

1 cellular telephone numbers, electronic pager numbers,
2 user-specific identification numbers or access codes for
3 electronic communications devices that are or have been used
4 in the course of employment of law enforcement officers and
5 former law enforcement officers, and the billing records of
6 such numbers, identification numbers, and access codes must be
7 exempt from public records requirements.

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

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 1666

- 14 - Makes confidential and exempt from public disclosure
15 certain personal information regarding active or former
16 law enforcement officers: cellular telephone numbers and
17 the billing records of such cellular telephone numbers;
18 electronic pager numbers and the billing records of such
19 electronic pager numbers; and user-specific electronic
20 identification numbers or access codes for any electronic
21 communications device issued by an employing agency and
22 used in the course of employment in this state and the
23 billing records of such identification numbers or access
24 codes.
25
26 - Requires reporting to the Auditor General any apparent
27 misuse of a cellular telephone or electronic pager by an
28 active or former law enforcement officer that is noted
29 during an audit of a law enforcement agency. Any exempted
30 information obtained by the Auditor General remains
31 exempt unless it relates to misuse of such telephone or
pager.