

By Senator Posey

24-1914-04

1 A bill to be entitled
2 An act relating to an 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 information obtained by the
16 Auditor General to be exempt from disclosure;
17 providing an exception with respect thereto;
18 providing for future review and repeal of the
19 exemption; providing a statement of public
20 necessity; providing an 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 electronic pager numbers and
31 the billing records of cellular telephone numbers and

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

1 relates to the misuse of a cellular telephone or an electronic
2 pager. This sub-subparagraph is subject to the Open Government
3 Sunset Review Act of 1995 in accordance with s. 119.15 and
4 shall stand repealed on October 2, 2009, unless reviewed and
5 saved 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 the
10 ~~such~~ firefighters; and the names and locations of schools and
11 day care facilities attended by the children of the ~~such~~
12 firefighters 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 these ~~such~~ personnel; and the names
13 and locations of schools and day care facilities attended by
14 the children of these ~~such~~ personnel are exempt from
15 subsection (1) and s. 24(a), Art. I of the State Constitution.
16 This subparagraph is subject to the Open Government Sunset
17 Review Act of 1995 in accordance with s. 119.15, and shall
18 stand repealed on October 2, 2006, unless reviewed and saved
19 from repeal through 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 these ~~such~~ persons;
25 and the names and locations of schools and day care facilities
26 attended by the children of these ~~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, and
16 access codes for electronic communications devices that are or
17 have been used in the course of their employment, and the
18 billing records of such numbers, identification numbers, or
19 access codes. The identification of law enforcement officers
20 through such numbers, identification numbers, and access codes
21 and the billing records of such numbers and codes can
22 compromise investigations, undermine law enforcement officers'
23 ability to apprehend suspects, and compromise the physical
24 safety of law enforcement officers. With respect to former law
25 enforcement officers, such numbers and access codes and the
26 billing records of such numbers and access codes, if made
27 public, could also jeopardize ongoing investigations, law
28 enforcement informers and contacts, and the safety of former
29 law 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, and 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 the 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.

10 *****

11 SENATE SUMMARY

12 Provides an exemption from public records requirements
13 for cellular telephone numbers, electronic pager numbers,
14 specified identification numbers and access codes for
15 certain electronic communications devices, and the
16 billing records of such numbers, identification numbers,
17 and access codes of active or former law enforcement
18 officers. Requires the Auditor General to report misuse
19 of a cellular telephone or electronic pager by an active
20 or former law enforcement officer. Exempts certain
21 information obtained by the Auditor General, with
22 exceptions. Provides for future review and repeal of the
23 exemption. Provides a statement of public necessity.
24
25
26
27
28
29
30
31