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2 An act relating to public records; amending s.  
3 119.07, F.S.; creating an exemption from  
4 public-records requirements; providing for the  
5 confidentiality of personal identifying  
6 information contained in records for United  
7 States attorneys, assistant United States  
8 attorneys, judges of the United States Courts  
9 of Appeal, United States district judges,  
10 United States magistrate judges, and their  
11 spouses and children; providing for future  
12 repeal and legislative review under the Open  
13 Government Sunset Review Act of 1995; providing  
14 a statement of public necessity; amending s.  
15 119.07, F.S.; providing an exemption from  
16 public records requirements for social security  
17 numbers of agency employees upon written  
18 request; providing for an exception to the  
19 exemption; providing for future review and  
20 repeal; providing a statement of public  
21 necessity; providing an effective date.

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

24  
25 Section 1. Paragraph (i) of subsection (3) of section  
26 119.07, Florida Statutes, is amended to read:

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

29 (3)

30 (i)1. The home addresses, telephone numbers, social  
31 security numbers, and photographs of active or former law

1 enforcement personnel, including correctional and correctional  
2 probation officers, personnel of the Department of Children  
3 and Family Services whose duties include the investigation of  
4 abuse, neglect, exploitation, fraud, theft, or other criminal  
5 activities, personnel of the Department of Health whose duties  
6 are to support the investigation of child abuse or neglect,  
7 and personnel of the Department of Revenue or local  
8 governments whose responsibilities include revenue collection  
9 and enforcement or child support enforcement; the home  
10 addresses, telephone numbers, social security numbers,  
11 photographs, and places of employment of the spouses and  
12 children of such personnel; and the names and locations of  
13 schools and day care facilities attended by the children of  
14 such personnel are exempt from the provisions of subsection  
15 (1). The home addresses, telephone numbers, and photographs of  
16 firefighters certified in compliance with s. 633.35; the home  
17 addresses, telephone numbers, photographs, and places of  
18 employment of the spouses and children of such firefighters;  
19 and the names and locations of schools and day care facilities  
20 attended by the children of such firefighters are exempt from  
21 subsection (1). The home addresses and telephone numbers of  
22 justices of the Supreme Court, district court of appeal  
23 judges, circuit court judges, and county court judges; the  
24 home addresses, telephone numbers, and places of employment of  
25 the spouses and children of justices and judges; and the names  
26 and locations of schools and day care facilities attended by  
27 the children of justices and judges are exempt from the  
28 provisions of subsection (1). The home addresses, telephone  
29 numbers, social security numbers, and photographs of current  
30 or former state attorneys, assistant state attorneys,  
31 statewide prosecutors, or assistant statewide prosecutors; the

1 home addresses, telephone numbers, social security numbers,  
2 photographs, and places of employment of the spouses and  
3 children of current or former state attorneys, assistant state  
4 attorneys, statewide prosecutors, or assistant statewide  
5 prosecutors; and the names and locations of schools and day  
6 care facilities attended by the children of current or former  
7 state attorneys, assistant state attorneys, statewide  
8 prosecutors, or assistant statewide prosecutors are exempt  
9 from subsection (1) and s. 24(a), Art. I of the State  
10 Constitution.

11           2. The home addresses, telephone numbers, social  
12 security numbers, and photographs of current or former human  
13 resource, labor relations, or employee relations directors,  
14 assistant directors, managers, or assistant managers of any  
15 local government agency or water management district whose  
16 duties include hiring and firing employees, labor contract  
17 negotiation, administration, or other personnel-related  
18 duties; the names, home addresses, telephone numbers, social  
19 security numbers, photographs, and places of employment of the  
20 spouses and children of such personnel; and the names and  
21 locations of schools and day care facilities attended by the  
22 children of such personnel are exempt from subsection (1) and  
23 s. 24(a), Art. I of the State Constitution. This subparagraph  
24 is subject to the Open Government Sunset Review Act of 1995 in  
25 accordance with s. 119.15, and shall stand repealed on October  
26 2, 2006, unless reviewed and saved from repeal through  
27 reenactment by the Legislature.

28           3. The home addresses, telephone numbers, social  
29 security numbers, and photographs of current or former United  
30 States attorneys and assistant United States attorneys; the  
31 home addresses, telephone numbers, social security numbers,

1 photographs, and places of employment of the spouses and  
2 children of current or former United States attorneys and  
3 assistant United States attorneys; and the names and locations  
4 of schools and day care facilities attended by the children of  
5 current or former United States attorneys and assistant United  
6 States attorneys are exempt from subsection (1) and s. 24(a),  
7 Art. I of the State Constitution. This subparagraph is subject  
8 to the Open Government Sunset Review Act of 1995 in accordance  
9 with s. 119.15 and shall stand repealed on October 2, 2009,  
10 unless reviewed and saved from repeal through reenactment by  
11 the Legislature.

12 4. The home addresses, telephone numbers, social  
13 security numbers, and photographs of current or former judges  
14 of United States Courts of Appeal, United States district  
15 judges, and United States magistrate judges; the home  
16 addresses, telephone numbers, social security numbers,  
17 photographs, and places of employment of the spouses and  
18 children of current or former judges of United States Courts  
19 of Appeal, United States district judges, and United States  
20 magistrate judges; and the names and locations of schools and  
21 day care facilities attended by the children of current or  
22 former judges of United States Courts of Appeal, United States  
23 district judges, and United States magistrate judges are  
24 exempt from subsection (1) and s. 24(a), Art. I of the State  
25 Constitution. This subparagraph is subject to the Open  
26 Government Sunset Review Act of 1995 in accordance with s.  
27 119.15, and shall stand repealed on October 2, 2009, unless  
28 reviewed and saved from repeal through reenactment by the  
29 Legislature.

30 ~~5.3-~~ The home addresses, telephone numbers, social  
31 security numbers, and photographs of current or former code

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

11 ~~6.4.~~ An agency that is the custodian of the personal  
12 information specified in subparagraph 1., subparagraph 2., ~~or~~  
13 subparagraph 3., subparagraph 4., or subparagraph 5., and that  
14 is not the employer of the officer, employee, justice, judge,  
15 or other person specified in subparagraph 1., subparagraph  
16 2., ~~or~~ subparagraph 3., subparagraph 4., or subparagraph 5.,  
17 shall maintain the confidentiality of the personal information  
18 only if the officer, employee, justice, judge, other person,  
19 or employing agency of the designated employee submits a  
20 written request for confidentiality to the custodial agency.

21 Section 2. The Legislature finds that the exemption  
22 from public-records requirements provided for by this act for  
23 identifying and locating information relating to current and  
24 former United States attorneys, assistant United States  
25 attorneys, judges of the United States Courts of Appeal,  
26 United States district judges, United States magistrate  
27 judges, and their families is a public necessity. Current and  
28 former United States attorneys, assistant United States  
29 attorneys, judges of the United States Courts of Appeal,  
30 United States district judges, and United States magistrate  
31 judges interact with accused and convicted criminals every day

1 of their careers. The capacity in which they deal with the  
2 accused and the convicted does not create good will among the  
3 accused, the convicted, their associates, or their families.  
4 United States attorneys and assistant United States attorneys  
5 determine the severity of the charges brought, file charges  
6 against the accused, and prosecute alleged criminals every  
7 day. Further, current and former judges of the United States  
8 Courts of Appeal, United States district judges, and United  
9 States magistrate judges make rulings during trials, impose  
10 sentences on the convicted, or review cases from other courts.  
11 As such, the duties of these current or former attorneys and  
12 judges do not create good will among the accused, the  
13 convicted, their associates, and families, and make those  
14 federal attorneys and judges potential targets for acts of  
15 revenge. Further, their duties make their spouses and children  
16 potential targets for acts of revenge. If identifying or  
17 location information were available, the safety and welfare of  
18 federal attorneys and judges, and their spouses and children,  
19 could be seriously jeopardized. Accordingly, it is a public  
20 necessity that identifying and personal information be made  
21 exempt. Thus, the Legislature finds there to be a public  
22 necessity to protect identifying and locating information of  
23 current and former United States attorneys and assistant  
24 United States attorneys, judges of the United States Courts of  
25 Appeal, United States district judges, and United States  
26 magistrate judges, and their spouses and children.

27           Section 3. Paragraph (x) of subsection (3) of section  
28 119.07, Florida Statutes, is amended to read:

29           119.07 Inspection, examination, and duplication of  
30 records; exemptions.--

31           (3)

1           (x)1. The social security numbers of all current and  
2 former agency employees which numbers are contained in agency  
3 employment records are exempt from subsection (1) and ~~exempt~~  
4 ~~from~~ s. 24(a), Art. I of the State Constitution. As used in  
5 this paragraph, the term "agency" means an agency as defined  
6 in s. 119.011.

7           2. An agency that is the custodian of a social  
8 security number specified in subparagraph 1. and that is not  
9 the employing agency shall maintain the exempt status of the  
10 social security number only if the employee or the employing  
11 agency of the employee submits a written request for  
12 confidentiality to the custodial agency. However, upon a  
13 request by a commercial entity as provided in s. 119.0721 the  
14 custodial agency shall release the last four digits of the  
15 exempt social security number, except that a social security  
16 number provided in a lien filed with the Department of State  
17 shall be released in its entirety. This subparagraph is  
18 subject to the Open Government Sunset Review Act of 1995 in  
19 accordance with s. 119.15 and shall stand repealed on October  
20 2, 2009, unless reviewed and saved from repeal through  
21 reenactment by the Legislature.

22           Section 4. The Legislature finds that it is a public  
23 necessity that social security numbers of agency employees  
24 held by an agency be made exempt from public disclosure. The  
25 Legislature also finds that it is no longer a necessity to  
26 allow commercial entities access to complete social security  
27 numbers of agency employees if the employee or the employing  
28 agency of that employee has submitted a written request for  
29 confidentiality of his or her social security number.  
30 Commercial entities have cited a number of reasons for needing  
31 access to the complete social security numbers of agency

1 employees when held by government agencies. The prevailing  
2 needs are for commercial entity verification of the accuracy  
3 of personal information received by such entity and for  
4 commercial entity use in matching, verifying, or retrieving  
5 information. A commercial entity can continue to verify the  
6 accuracy of personal information received using only the last  
7 four digits of social security numbers of agency employees. A  
8 commercial entity can also continue matching, verifying, or  
9 retrieving information utilizing the last four digits of such  
10 numbers. Additionally, commercial entities are still provided  
11 access to complete social security numbers of agency employees  
12 provided in a lien filed with the Department of State. The  
13 social security number is not the only source of information a  
14 business can utilize for such purposes. Commercial entities  
15 can also use an employee's date of birth or maiden name for  
16 matching, verifying, or retrieving information regarding an  
17 individual. As such, a commercial entity's performance will  
18 not be hampered if access to social security numbers is  
19 limited to the last four digits of such employee's social  
20 security number. Further, social security numbers are of a  
21 sensitive personal nature and are often the link to an  
22 individual's personal, financial, medical, or familial  
23 records. It is the only nationwide, unique numeric form of  
24 identification in existence in the United States. Commercial  
25 entity access to such numbers in their entirety could lead to  
26 misuse of those numbers. Such misuse could lead to increased  
27 opportunities of fraud and identity theft. As such, the  
28 Legislature finds that the harm from disclosing to commercial  
29 entities complete social security numbers of agency employees  
30 who have requested confidentiality of such numbers outweighs  
31 any public benefit that can be derived from commercial entity



1 access to such numbers, as opposed to access that is  
2 restricted to the final four digits of such social security  
3 numbers.

4           Section 5. This act shall take effect July 1, 2004.  
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