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1 A bill to be entitled
 2 An act relating to public records; amending s. 119.071,
 3 F.S.; providing an exemption from public records
 4 requirements for cellular telephone numbers not otherwise
 5 disclosed by an employing law enforcement agency and
 6 telephone records for all telephone numbers of specified
 7 active or former law enforcement personnel; providing for
 8 review and repeal of the exemption; providing a statement
 9 of public necessity; providing an effective date.

10

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

12

13 Section 1. Paragraph (d) of subsection (4) of section
 14 119.071, Florida Statutes, is amended to read:

15 119.071 General exemptions from inspection or copying of
 16 public records.--

17 (4) AGENCY PERSONNEL INFORMATION.--

18 (d)1.a. The home addresses, telephone numbers, cellular
 19 telephone numbers not otherwise disclosed by the employing law
 20 enforcement agency, telephone records for all telephone numbers,
 21 social security numbers, and photographs of active or former law
 22 enforcement personnel, including correctional and correctional
 23 probation officers, personnel of the Department of Children and
 24 Family Services whose duties include the investigation of abuse,
 25 neglect, exploitation, fraud, theft, or other criminal
 26 activities, personnel of the Department of Health whose duties
 27 are to support the investigation of child abuse or neglect, and
 28 personnel of the Department of Revenue or local governments

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29 | whose responsibilities include revenue collection and
30 | enforcement or child support enforcement; the home addresses,
31 | telephone numbers, social security numbers, photographs, and
32 | places of employment of the spouses and children of such
33 | personnel; and the names and locations of schools and day care
34 | facilities attended by the children of such personnel are exempt
35 | from s. 119.07(1). The home addresses, telephone numbers, and
36 | photographs of firefighters certified in compliance with s.
37 | 633.35; the home addresses, telephone numbers, photographs, and
38 | places of employment of the spouses and children of such
39 | firefighters; and the names and locations of schools and day
40 | care facilities attended by the children of such firefighters
41 | are exempt from s. 119.07(1). The home addresses and telephone
42 | numbers of justices of the Supreme Court, district court of
43 | appeal judges, circuit court judges, and county court judges;
44 | the home addresses, telephone numbers, and places of employment
45 | of the spouses and children of justices and judges; and the
46 | names and locations of schools and day care facilities attended
47 | by the children of justices and judges are exempt from s.
48 | 119.07(1). The home addresses, telephone numbers, social
49 | security numbers, and photographs of current or former state
50 | attorneys, assistant state attorneys, statewide prosecutors, or
51 | assistant statewide prosecutors; the home addresses, telephone
52 | numbers, social security numbers, photographs, and places of
53 | employment of the spouses and children of current or former
54 | state attorneys, assistant state attorneys, statewide
55 | prosecutors, or assistant statewide prosecutors; and the names
56 | and locations of schools and day care facilities attended by the

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57 children of current or former state attorneys, assistant state
58 attorneys, statewide prosecutors, or assistant statewide
59 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of
60 the State Constitution. This sub-subparagraph is subject to the
61 Open Government Sunset Review Act in accordance with s. 119.15
62 and shall stand repealed on October 2, 2014, unless reviewed and
63 saved from repeal through reenactment by the Legislature.

64 b. The home addresses and telephone numbers of general
65 magistrates, special magistrates, judges of compensation claims,
66 administrative law judges of the Division of Administrative
67 Hearings, and child support enforcement hearing officers; the
68 home addresses, telephone numbers, and places of employment of
69 the spouses and children of general magistrates, special
70 magistrates, judges of compensation claims, administrative law
71 judges of the Division of Administrative Hearings, and child
72 support enforcement hearing officers; and the names and
73 locations of schools and day care facilities attended by the
74 children of general magistrates, special magistrates, judges of
75 compensation claims, administrative law judges of the Division
76 of Administrative Hearings, and child support enforcement
77 hearing officers are exempt from s. 119.07(1) and s. 24(a), Art.
78 I of the State Constitution if the general magistrate, special
79 magistrate, judge of compensation claims, administrative law
80 judge of the Division of Administrative Hearings, or child
81 support hearing officer provides a written statement that the
82 general magistrate, special magistrate, judge of compensation
83 claims, administrative law judge of the Division of
84 Administrative Hearings, or child support hearing officer has

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85 made reasonable efforts to protect such information from being
86 accessible through other means available to the public. This
87 sub-subparagraph is subject to the Open Government Sunset Review
88 Act in accordance with s. 119.15, and shall stand repealed on
89 October 2, 2013, unless reviewed and saved from repeal through
90 reenactment by the Legislature.

91 2. The home addresses, telephone numbers, and photographs
92 of current or former human resource, labor relations, or
93 employee relations directors, assistant directors, managers, or
94 assistant managers of any local government agency or water
95 management district whose duties include hiring and firing
96 employees, labor contract negotiation, administration, or other
97 personnel-related duties; the names, home addresses, telephone
98 numbers, and places of employment of the spouses and children of
99 such personnel; and the names and locations of schools and day
100 care facilities attended by the children of such personnel are
101 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
102 Constitution.

103 3. The home addresses, telephone numbers, social security
104 numbers, and photographs of current or former United States
105 attorneys and assistant United States attorneys; the home
106 addresses, telephone numbers, social security numbers,
107 photographs, and places of employment of the spouses and
108 children of current or former United States attorneys and
109 assistant United States attorneys; and the names and locations
110 of schools and day care facilities attended by the children of
111 current or former United States attorneys and assistant United
112 States attorneys are exempt from s. 119.07(1) and s. 24(a), Art.

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113 I of the State Constitution. This subparagraph is subject to the
114 Open Government Sunset Review Act in accordance with s. 119.15
115 and shall stand repealed on October 2, 2009, unless reviewed and
116 saved from repeal through reenactment by the Legislature.

117 4. The home addresses, telephone numbers, social security
118 numbers, and photographs of current or former judges of United
119 States Courts of Appeal, United States district judges, and
120 United States magistrate judges; the home addresses, telephone
121 numbers, social security numbers, photographs, and places of
122 employment of the spouses and children of current or former
123 judges of United States Courts of Appeal, United States district
124 judges, and United States magistrate judges; and the names and
125 locations of schools and day care facilities attended by the
126 children of current or former judges of United States Courts of
127 Appeal, United States district judges, and United States
128 magistrate judges are exempt from s. 119.07(1) and s. 24(a),
129 Art. I of the State Constitution. This subparagraph is subject
130 to the Open Government Sunset Review Act in accordance with s.
131 119.15 and shall stand repealed on October 2, 2009, unless
132 reviewed and saved from repeal through reenactment by the
133 Legislature.

134 5. The home addresses, telephone numbers, and photographs
135 of current or former code enforcement officers; the names, home
136 addresses, telephone numbers, and places of employment of the
137 spouses and children of such personnel; and the names and
138 locations of schools and day care facilities attended by the
139 children of such personnel are exempt from s. 119.07(1) and s.
140 24(a), Art. I of the State Constitution.

141 6. The home addresses, telephone numbers, places of
 142 employment, and photographs of current or former guardians ad
 143 litem, as defined in s. 39.820, and the names, home addresses,
 144 telephone numbers, and places of employment of the spouses and
 145 children of such persons, are exempt from s. 119.07(1) and s.
 146 24(a), Art. I of the State Constitution, if the guardian ad
 147 litem provides a written statement that the guardian ad litem
 148 has made reasonable efforts to protect such information from
 149 being accessible through other means available to the public.
 150 This subparagraph is subject to the Open Government Sunset
 151 Review Act in accordance with s. 119.15 and shall stand repealed
 152 on October 2, 2010, unless reviewed and saved from repeal
 153 through reenactment by the Legislature.

154 7. The home addresses, telephone numbers, and photographs
 155 of current or former juvenile probation officers, juvenile
 156 probation supervisors, detention superintendents, assistant
 157 detention superintendents, senior juvenile detention officers,
 158 juvenile detention officer supervisors, juvenile detention
 159 officers, house parents I and II, house parent supervisors,
 160 group treatment leaders, group treatment leader supervisors,
 161 rehabilitation therapists, and social services counselors of the
 162 Department of Juvenile Justice; the names, home addresses,
 163 telephone numbers, and places of employment of spouses and
 164 children of such personnel; and the names and locations of
 165 schools and day care facilities attended by the children of such
 166 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 167 the State Constitution. This subparagraph is subject to the Open
 168 Government Sunset Review Act in accordance with s. 119.15 and

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169 shall stand repealed on October 2, 2011, unless reviewed and
170 saved from repeal through reenactment by the Legislature.

171 8. An agency that is the custodian of the personal
172 information specified in subparagraph 1., subparagraph 2.,
173 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph
174 6., or subparagraph 7. and that is not the employer of the
175 officer, employee, justice, judge, or other person specified in
176 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph
177 4., subparagraph 5., subparagraph 6., or subparagraph 7. shall
178 maintain the exempt status of the personal information only if
179 the officer, employee, justice, judge, other person, or
180 employing agency of the designated employee submits a written
181 request for maintenance of the exemption to the custodial
182 agency.

183 Section 2. It is the finding of the Legislature that
184 cellular telephone numbers not otherwise disclosed by an
185 employing law enforcement agency and the telephone records for
186 all telephone numbers of active or former law enforcement
187 personnel, including correctional and correctional probation
188 officers, personnel of the Department of Children and Family
189 Services whose duties include the investigation of abuse,
190 neglect, exploitation, fraud, theft, or other criminal
191 activities, personnel of the Department of Health whose duties
192 are to support the investigation of child abuse or neglect, and
193 personnel of the Department of Revenue or local governments
194 whose responsibilities include revenue collection and
195 enforcement or child support enforcement, be made confidential
196 and exempt from public records requirements. Access to both the

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197 cellular telephone numbers and any telephone records of active
198 law enforcement officers can be used in several ways to identify
199 persons involved in criminal cases and investigations whose
200 identities should not be revealed, thus potentially compromising
201 investigations and possibly putting the safety and security of
202 others at risk. Instances in which defense attorneys attempt to
203 gain access to both the cellular telephone numbers and
204 telephone records of active law enforcement officers, some of
205 whom may be assigned to vice units, reveal that among the items
206 of information defense attorneys may be seeking is the identity
207 of confidential sources. In a recent case, a circuit court judge
208 ordered a county sheriff's office to provide to the court
209 cellular telephone records, including call and direct call
210 connect times, for all officers and informants involved in a
211 narcotics investigation. Not only can such phone records provide
212 information that may identify confidential informants, they
213 could also be used to identify child abuse victims, victims of
214 sexual violence, and other individuals whose identity would
215 normally be protected. An individual who has the cellular
216 telephone number of a law enforcement officer can request the
217 records associated with that number from an out-of-state
218 telephone company pursuant to the Freedom of Information Act
219 without any awareness on the part of the law enforcement agency
220 that such a request has been made. Also, untimely or
221 inappropriate disclosure of information in an investigation has
222 the potential to jeopardize another related investigation should
223 one exist. These exemptions help to create a more secure
224 environment in which an investigation can be conducted in the

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225 most effective and efficient manner. Additionally, it is the
226 finding of the Legislature that any harm caused by the
227 withholding of such information outweighs any public benefit
228 derived from its release. It is therefore the finding of the
229 Legislature that cellular telephone numbers not otherwise
230 disclosed by an employing law enforcement agency and the
231 telephone records for all telephone numbers of active or former
232 law enforcement personnel should be held confidential and exempt
233 from public disclosure.

234 Section 3. This act shall take effect July 1, 2009.