

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; including dates of birth within the
 4 types of personal identifying information of specified
 5 agency personnel and the spouses and children of such
 6 personnel that are exempt from public records
 7 requirements under s. 119.071(4)(e), F.S.; clarifying
 8 an exemption for personal identifying information of
 9 active or former law enforcement personnel and the
 10 spouses and children thereof; providing for future
 11 legislative review and repeal of the exemptions;
 12 defining the term "telephone numbers"; providing a
 13 statement of public necessity; amending s. 409.2577,
 14 F.S.; conforming a cross-reference; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Subsection (4) of section 119.071, Florida
 20 Statutes, is amended to read:

21 119.071 General exemptions from inspection or copying of
 22 public records.—

23 (4) AGENCY PERSONNEL INFORMATION.—

24 (a) The social security numbers of all current and former
 25 agency employees which numbers are held by the employing agency
 26 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 27 I of the State Constitution. This paragraph is subject to the
 28 Open Government Sunset Review Act in accordance with s. 119.15

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29 and shall stand repealed on October 2, 2014, unless reviewed and
30 saved from repeal through reenactment by the Legislature.

31 (b)1. Medical information pertaining to a prospective,
32 current, or former officer or employee of an agency which, if
33 disclosed, would identify that officer or employee is exempt
34 from s. 119.07(1) and s. 24(a), Art. I of the State
35 Constitution. However, such information may be disclosed if the
36 person to whom the information pertains or the person's legal
37 representative provides written permission or pursuant to court
38 order.

39 2.a. Personal identifying information of a dependent child
40 of a current or former officer or employee of an agency, which
41 dependent child is insured by an agency group insurance plan, is
42 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
43 Constitution. For purposes of this exemption, "dependent child"
44 has the same meaning as in s. 409.2554.

45 b. This exemption is remedial in nature and applies to
46 personal identifying information held by an agency before, on,
47 or after the effective date of this exemption.

48 c. This subparagraph is subject to the Open Government
49 Sunset Review Act in accordance with s. 119.15 and shall stand
50 repealed on October 2, 2014, unless reviewed and saved from
51 repeal through reenactment by the Legislature.

52 (c) Any information revealing undercover personnel of any
53 criminal justice agency is exempt from s. 119.07(1) and s.
54 24(a), Art. I of the State Constitution.

55 (d) For purposes of this subsection, the term "telephone
56 numbers" includes home telephone numbers; personal cellular

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57 telephone numbers; personal pager telephone numbers; telephone
58 numbers associated with personal communications devices; and
59 telephone numbers associated with agency cellular telephones,
60 paggers, or other personal communications devices issued or
61 assigned to agency personnel in furtherance of their duties. The
62 term "telephone numbers" does not include agency contact
63 telephone numbers that the agency commonly makes available to
64 the general public.

65 (e)~~(d)~~1.a. The home addresses, telephone numbers, social
66 security numbers, dates of birth, and photographs of active or
67 former sworn or civilian law enforcement personnel, including
68 correctional and correctional probation officers, personnel of
69 the Department of Children and Family Services whose duties
70 include the investigation of abuse, neglect, exploitation,
71 fraud, theft, or other criminal activities, personnel of the
72 Department of Health whose duties are to support the
73 investigation of child abuse or neglect, and personnel of the
74 Department of Revenue or local governments whose
75 responsibilities include revenue collection and enforcement or
76 child support enforcement; the home addresses, telephone
77 numbers, social security numbers, photographs, dates of birth,
78 and places of employment of the spouses and children of such
79 personnel; and the names and locations of schools and day care
80 facilities attended by the children of such personnel are exempt
81 from s. 119.07(1). This sub-subparagraph is subject to the Open
82 Government Sunset Review Act in accordance with s. 119.15 and
83 shall stand repealed on October 2, 2017, unless reviewed and
84 saved from repeal through reenactment by the Legislature.

85 b. The home addresses, telephone numbers, dates of birth,
86 and photographs of firefighters certified in compliance with s.
87 633.35; the home addresses, telephone numbers, photographs,
88 dates of birth, and places of employment of the spouses and
89 children of such firefighters; and the names and locations of
90 schools and day care facilities attended by the children of such
91 firefighters are exempt from s. 119.07(1). This sub-subparagraph
92 is subject to the Open Government Sunset Review Act in
93 accordance with s. 119.15 and shall stand repealed on October 2,
94 2017, unless reviewed and saved from repeal through reenactment
95 by the Legislature.

96 c. The home addresses, dates of birth, and telephone
97 numbers of justices of the Supreme Court, district court of
98 appeal judges, circuit court judges, and county court judges;
99 the home addresses, telephone numbers, dates of birth, and
100 places of employment of the spouses and children of justices and
101 judges; and the names and locations of schools and day care
102 facilities attended by the children of justices and judges are
103 exempt from s. 119.07(1). This sub-subparagraph is subject to
104 the Open Government Sunset Review Act in accordance with s.
105 119.15 and shall stand repealed on October 2, 2017, unless
106 reviewed and saved from repeal through reenactment by the
107 Legislature.

108 d. The home addresses, telephone numbers, social security
109 numbers, dates of birth, and photographs of current or former
110 state attorneys, assistant state attorneys, statewide
111 prosecutors, or assistant statewide prosecutors; the home
112 addresses, telephone numbers, social security numbers,

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113 | photographs, dates of birth, and places of employment of the
114 | spouses and children of current or former state attorneys,
115 | assistant state attorneys, statewide prosecutors, or assistant
116 | statewide prosecutors; and the names and locations of schools
117 | and day care facilities attended by the children of current or
118 | former state attorneys, assistant state attorneys, statewide
119 | prosecutors, or assistant statewide prosecutors are exempt from
120 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
121 | This sub-subparagraph is subject to the Open Government Sunset
122 | Review Act in accordance with s. 119.15 and shall stand repealed
123 | on October 2, 2017, unless reviewed and saved from repeal
124 | through reenactment by the Legislature.

125 | e. The home addresses, dates of birth, and telephone
126 | numbers of general magistrates, special magistrates, judges of
127 | compensation claims, administrative law judges of the Division
128 | of Administrative Hearings, and child support enforcement
129 | hearing officers; the home addresses, telephone numbers, dates
130 | of birth, and places of employment of the spouses and children
131 | of general magistrates, special magistrates, judges of
132 | compensation claims, administrative law judges of the Division
133 | of Administrative Hearings, and child support enforcement
134 | hearing officers; and the names and locations of schools and day
135 | care facilities attended by the children of general magistrates,
136 | special magistrates, judges of compensation claims,
137 | administrative law judges of the Division of Administrative
138 | Hearings, and child support enforcement hearing officers are
139 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
140 | Constitution if the general magistrate, special magistrate,

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141 judge of compensation claims, administrative law judge of the
142 Division of Administrative Hearings, or child support hearing
143 officer provides a written statement that the general
144 magistrate, special magistrate, judge of compensation claims,
145 administrative law judge of the Division of Administrative
146 Hearings, or child support hearing officer has made reasonable
147 efforts to protect such information from being accessible
148 through other means available to the public. This sub-
149 subparagraph is subject to the Open Government Sunset Review Act
150 in accordance with s. 119.15, and shall stand repealed on
151 October 2, 2017 ~~2013~~, unless reviewed and saved from repeal
152 through reenactment by the Legislature.

153 f. The home addresses, telephone numbers, dates of birth,
154 and photographs of current or former human resource, labor
155 relations, or employee relations directors, assistant directors,
156 managers, or assistant managers of any local government agency
157 or water management district whose duties include hiring and
158 firing employees, labor contract negotiation, administration, or
159 other personnel-related duties; the names, home addresses,
160 telephone numbers, dates of birth, and places of employment of
161 the spouses and children of such personnel; and the names and
162 locations of schools and day care facilities attended by the
163 children of such personnel are exempt from s. 119.07(1) and s.
164 24(a), Art. I of the State Constitution. This sub-subparagraph
165 is subject to the Open Government Sunset Review Act in
166 accordance with s. 119.15 and shall stand repealed on October 2,
167 2017, unless reviewed and saved from repeal through reenactment
168 by the Legislature.

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169 g. The home addresses, telephone numbers, dates of birth,
170 and photographs of current or former code enforcement officers;
171 the names, home addresses, telephone numbers, dates of birth,
172 and places of employment of the spouses and children of such
173 personnel; and the names and locations of schools and day care
174 facilities attended by the children of such personnel are exempt
175 from s. 119.07(1) and s. 24(a), Art. I of the State
176 Constitution. This sub-subparagraph is subject to the Open
177 Government Sunset Review Act in accordance with s. 119.15 and
178 shall stand repealed on October 2, 2017, unless reviewed and
179 saved from repeal through reenactment by the Legislature.

180 h. The home addresses, telephone numbers, places of
181 employment, dates of birth, and photographs of current or former
182 guardians ad litem, as defined in s. 39.820; the names, home
183 addresses, telephone numbers, dates of birth, and places of
184 employment of the spouses and children of such persons; and the
185 names and locations of schools and day care facilities attended
186 by the children of such persons are exempt from s. 119.07(1) and
187 s. 24(a), Art. I of the State Constitution, if the guardian ad
188 litem provides a written statement that the guardian ad litem
189 has made reasonable efforts to protect such information from
190 being accessible through other means available to the public.
191 This sub-subparagraph is subject to the Open Government Sunset
192 Review Act in accordance with s. 119.15 and shall stand repealed
193 on October 2, 2017 ~~2015~~, unless reviewed and saved from repeal
194 through reenactment by the Legislature.

195 i. The home addresses, telephone numbers, dates of birth,
196 and photographs of current or former juvenile probation

197 officers, juvenile probation supervisors, detention
 198 superintendents, assistant detention superintendents, juvenile
 199 justice detention officers I and II, juvenile justice detention
 200 officer supervisors, juvenile justice residential officers,
 201 juvenile justice residential officer supervisors I and II,
 202 juvenile justice counselors, juvenile justice counselor
 203 supervisors, human services counselor administrators, senior
 204 human services counselor administrators, rehabilitation
 205 therapists, and social services counselors of the Department of
 206 Juvenile Justice; the names, home addresses, telephone numbers,
 207 dates of birth, and places of employment of spouses and children
 208 of such personnel; and the names and locations of schools and
 209 day care facilities attended by the children of such personnel
 210 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 211 Constitution. This sub-subparagraph is subject to the Open
 212 Government Sunset Review Act in accordance with s. 119.15 and
 213 shall stand repealed on October 2, 2017, unless reviewed and
 214 saved from repeal through reenactment by the Legislature.

215 j. The home addresses, telephone numbers, dates of birth,
 216 and photographs of current or former public defenders, assistant
 217 public defenders, criminal conflict and civil regional counsel,
 218 and assistant criminal conflict and civil regional counsel; the
 219 home addresses, telephone numbers, dates of birth, and places of
 220 employment of the spouses and children of such defenders or
 221 counsel; and the names and locations of schools and day care
 222 facilities attended by the children of such defenders or counsel
 223 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 224 Constitution. This sub-subparagraph is subject to the Open

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225 Government Sunset Review Act in accordance with s. 119.15 and
226 shall stand repealed on October 2, ~~2015~~ 2017, unless reviewed
227 and saved from repeal through reenactment by the Legislature.

228 2. An agency that is the custodian of the information
229 specified in subparagraph 1. and that is not the employer of the
230 officer, employee, justice, judge, or other person specified in
231 subparagraph 1. shall maintain the exempt status of that
232 information only if the officer, employee, justice, judge, other
233 person, or employing agency of the designated employee submits a
234 written request for maintenance of the exemption to the
235 custodial agency.

236 Section 2. It is the finding of the Legislature that it is
237 a public necessity that the dates of birth of agency personnel
238 enumerated in s. 119.071(4)(e), Florida Statutes, and the
239 spouses and children of such personnel be included within the
240 types of personal identifying information for such agency
241 personnel and the spouses and children thereof that are exempt
242 from public records requirements under s. 119.071(4)(e), Florida
243 Statutes. It is the finding of the Legislature that date of
244 birth information can be used as a tool to perpetuate fraud
245 against an individual and to acquire sensitive personal,
246 financial, medical, and familial information, the release of
247 which could cause great financial or personal harm to an
248 individual. It is also the finding of the Legislature that, with
249 respect to the existing exemptions from public records
250 requirements for the telephone numbers of agency personnel
251 enumerated in s. 119.071(4)(e), Florida Statutes, and the
252 telephone numbers of the spouses and children of such personnel,

253 | the term "telephone number" should be defined and clarified to
 254 | include personal pager numbers. It is the finding of the
 255 | Legislature that personal pager numbers, along with personal
 256 | cellular telephone numbers, telephone numbers associated with
 257 | personal communications devices, and telephone numbers
 258 | associated with agency cellular telephones, pagers, or other
 259 | personal communications devices issued or assigned to agency
 260 | personnel in furtherance of their duties, constitute another
 261 | means by which any of the agency personnel enumerated in s.
 262 | 119.071(4)(e), Florida Statutes, and the spouses and children of
 263 | such personnel could potentially be identified, located, and
 264 | subsequently put at risk.

265 | Section 3. Section 409.2577, Florida Statutes, is amended
 266 | to read:

267 | 409.2577 Parent locator service.—The department shall
 268 | establish a parent locator service to assist in locating parents
 269 | who have deserted their children and other persons liable for
 270 | support of dependent children. The department shall use all
 271 | sources of information available, including the Federal Parent
 272 | Locator Service, and may request and shall receive information
 273 | from the records of any person or the state or any of its
 274 | political subdivisions or any officer thereof. Any agency as
 275 | defined in s. 120.52, any political subdivision, and any other
 276 | person shall, upon request, provide the department any
 277 | information relating to location, salary, insurance, social
 278 | security, income tax, and employment history necessary to locate
 279 | parents who owe or potentially owe a duty of support pursuant to
 280 | Title IV-D of the Social Security Act. This provision shall

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281 expressly take precedence over any other statutory nondisclosure
282 provision which limits the ability of an agency to disclose such
283 information, except that law enforcement information as provided
284 in s. 119.071(4)(e) ~~119.071(4)(d)~~ is not required to be
285 disclosed, and except that confidential taxpayer information
286 possessed by the Department of Revenue shall be disclosed only
287 to the extent authorized in s. 213.053(16). Nothing in this
288 section requires the disclosure of information if such
289 disclosure is prohibited by federal law. Information gathered or
290 used by the parent locator service is confidential and exempt
291 from the provisions of s. 119.07(1). Additionally, the
292 department is authorized to collect any additional information
293 directly bearing on the identity and whereabouts of a person
294 owing or asserted to be owing an obligation of support for a
295 dependent child. The department shall, upon request, make
296 information available only to public officials and agencies of
297 this state; political subdivisions of this state, including any
298 agency thereof providing child support enforcement services to
299 non-Title IV-D clients; the parent owed support, legal guardian,
300 attorney, or agent of the child; and other states seeking to
301 locate parents who have deserted their children and other
302 persons liable for support of dependents, for the sole purpose
303 of establishing, modifying, or enforcing their liability for
304 support, and shall make such information available to the
305 Department of Children and Family Services for the purpose of
306 diligent search activities pursuant to chapter 39. If the
307 department has reasonable evidence of domestic violence or child
308 abuse and the disclosure of information could be harmful to the

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309 | parent owed support or the child of such parent, the child
310 | support program director or designee shall notify the Department
311 | of Children and Family Services and the Secretary of the United
312 | States Department of Health and Human Services of this evidence.
313 | Such evidence is sufficient grounds for the department to
314 | disapprove an application for location services.

315 | Section 4. This act shall take effect October 1, 2012.