

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)(d), 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  
 11      retroactive application of the exemptions; providing  
 12      for future legislative review and repeal of the  
 13      exemptions; defining the term "telephone numbers";  
 14      providing a statement of public necessity; providing  
 15      an effective date.

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

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

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

23           (4) AGENCY PERSONNEL INFORMATION.—

24           (d)1. For purposes of this paragraph, the term "telephone  
 25   numbers" includes home telephone numbers, personal cellular  
 26   telephone numbers, personal pager telephone numbers, and  
 27   telephone numbers associated with personal communications  
 28   devices.

29        2.a. The home addresses, telephone numbers, social  
30 security numbers, dates of birth, and photographs of active or  
31 former sworn or civilian law enforcement personnel, including  
32 correctional and correctional probation officers, personnel of  
33 the Department of Children and Family Services whose duties  
34 include the investigation of abuse, neglect, exploitation,  
35 fraud, theft, or other criminal activities, personnel of the  
36 Department of Health whose duties are to support the  
37 investigation of child abuse or neglect, and personnel of the  
38 Department of Revenue or local governments whose  
39 responsibilities include revenue collection and enforcement or  
40 child support enforcement; the home addresses, telephone  
41 numbers, social security numbers, photographs, dates of birth,  
42 and places of employment of the spouses and children of such  
43 personnel; and the names and locations of schools and day care  
44 facilities attended by the children of such personnel are exempt  
45 from s. 119.07(1).

46        b. The home addresses, telephone numbers, dates of birth,  
47 and photographs of firefighters certified in compliance with s.  
48 633.35; the home addresses, telephone numbers, photographs,  
49 dates of birth, and places of employment of the spouses and  
50 children of such firefighters; and the names and locations of  
51 schools and day care facilities attended by the children of such  
52 firefighters are exempt from s. 119.07(1).

53        c. The home addresses, dates of birth, and telephone  
54 numbers of justices of the Supreme Court, district court of  
55 appeal judges, circuit court judges, and county court judges;  
56 the home addresses, telephone numbers, dates of birth, and

57 | places of employment of the spouses and children of justices and  
58 | judges; and the names and locations of schools and day care  
59 | facilities attended by the children of justices and judges are  
60 | exempt from s. 119.07(1).

61 |       d. The home addresses, telephone numbers, social security  
62 | numbers, dates of birth, and photographs of current or former  
63 | state attorneys, assistant state attorneys, statewide  
64 | prosecutors, or assistant statewide prosecutors; the home  
65 | addresses, telephone numbers, social security numbers,  
66 | photographs, dates of birth, and places of employment of the  
67 | spouses and children of current or former state attorneys,  
68 | assistant state attorneys, statewide prosecutors, or assistant  
69 | statewide prosecutors; and the names and locations of schools  
70 | and day care facilities attended by the children of current or  
71 | former state attorneys, assistant state attorneys, statewide  
72 | prosecutors, or assistant statewide prosecutors are exempt from  
73 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

74 |       e. The home addresses, dates of birth, and telephone  
75 | numbers of general magistrates, special magistrates, judges of  
76 | compensation claims, administrative law judges of the Division  
77 | of Administrative Hearings, and child support enforcement  
78 | hearing officers; the home addresses, telephone numbers, dates  
79 | of birth, and places of employment of the spouses and children  
80 | of general magistrates, special magistrates, judges of  
81 | compensation claims, administrative law judges of the Division  
82 | of Administrative Hearings, and child support enforcement  
83 | hearing officers; and the names and locations of schools and day  
84 | care facilities attended by the children of general magistrates,

85 special magistrates, judges of compensation claims,  
86 administrative law judges of the Division of Administrative  
87 Hearings, and child support enforcement hearing officers are  
88 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
89 Constitution if the general magistrate, special magistrate,  
90 judge of compensation claims, administrative law judge of the  
91 Division of Administrative Hearings, or child support hearing  
92 officer provides a written statement that the general  
93 magistrate, special magistrate, judge of compensation claims,  
94 administrative law judge of the Division of Administrative  
95 Hearings, or child support hearing officer has made reasonable  
96 efforts to protect such information from being accessible  
97 through other means available to the public. ~~This sub-~~  
98 ~~subparagraph is subject to the Open Government Sunset Review Act~~  
99 ~~in accordance with s. 119.15, and shall stand repealed on~~  
100 ~~October 2, 2013, unless reviewed and saved from repeal through~~  
101 ~~reenactment by the Legislature.~~

102 f. The home addresses, telephone numbers, dates of birth,  
103 and photographs of current or former human resource, labor  
104 relations, or employee relations directors, assistant directors,  
105 managers, or assistant managers of any local government agency  
106 or water management district whose duties include hiring and  
107 firing employees, labor contract negotiation, administration, or  
108 other personnel-related duties; the names, home addresses,  
109 telephone numbers, dates of birth, and places of employment of  
110 the spouses and children of such personnel; and the names and  
111 locations of schools and day care facilities attended by the  
112 children of such personnel are exempt from s. 119.07(1) and s.

113 24(a), Art. I of the State Constitution.

114 g. The home addresses, telephone numbers, dates of birth,  
 115 and photographs of current or former code enforcement officers;  
 116 the names, home addresses, telephone numbers, dates of birth,  
 117 and places of employment of the spouses and children of such  
 118 personnel; and the names and locations of schools and day care  
 119 facilities attended by the children of such personnel are exempt  
 120 from s. 119.07(1) and s. 24(a), Art. I of the State  
 121 Constitution.

122 h. The home addresses, telephone numbers, places of  
 123 employment, dates of birth, and photographs of current or former  
 124 guardians ad litem, as defined in s. 39.820; the names, home  
 125 addresses, telephone numbers, dates of birth, and places of  
 126 employment of the spouses and children of such persons; and the  
 127 names and locations of schools and day care facilities attended  
 128 by the children of such persons are exempt from s. 119.07(1) and  
 129 s. 24(a), Art. I of the State Constitution, if the guardian ad  
 130 litem provides a written statement that the guardian ad litem  
 131 has made reasonable efforts to protect such information from  
 132 being accessible through other means available to the public.  
 133 ~~This sub-subparagraph is subject to the Open Government Sunset~~  
 134 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
 135 ~~on October 2, 2015, unless reviewed and saved from repeal~~  
 136 ~~through reenactment by the Legislature.~~

137 i. The home addresses, telephone numbers, dates of birth,  
 138 and photographs of current or former juvenile probation  
 139 officers, juvenile probation supervisors, detention  
 140 superintendents, assistant detention superintendents, juvenile

141 justice detention officers I and II, juvenile justice detention  
 142 officer supervisors, juvenile justice residential officers,  
 143 juvenile justice residential officer supervisors I and II,  
 144 juvenile justice counselors, juvenile justice counselor  
 145 supervisors, human services counselor administrators, senior  
 146 human services counselor administrators, rehabilitation  
 147 therapists, and social services counselors of the Department of  
 148 Juvenile Justice; the names, home addresses, telephone numbers,  
 149 dates of birth, and places of employment of spouses and children  
 150 of such personnel; and the names and locations of schools and  
 151 day care facilities attended by the children of such personnel  
 152 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 153 Constitution.

154 j. The home addresses, telephone numbers, dates of birth,  
 155 and photographs of current or former public defenders, assistant  
 156 public defenders, criminal conflict and civil regional counsel,  
 157 and assistant criminal conflict and civil regional counsel; the  
 158 home addresses, telephone numbers, dates of birth, and places of  
 159 employment of the spouses and children of such defenders or  
 160 counsel; and the names and locations of schools and day care  
 161 facilities attended by the children of such defenders or counsel  
 162 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 163 Constitution. ~~This sub-subparagraph is subject to the Open  
 164 Government Sunset Review Act in accordance with s. 119.15 and  
 165 shall stand repealed on October 2, 2015, unless reviewed and  
 166 saved from repeal through reenactment by the Legislature.~~

167 ~~3.2.~~ An agency that is the custodian of the information  
 168 specified in subparagraph 2. ~~1.~~ and that is not the employer of

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169 the officer, employee, justice, judge, or other person specified  
170 in subparagraph 2. ~~1.~~ shall maintain the exempt status of that  
171 information only if the officer, employee, justice, judge, other  
172 person, or employing agency of the designated employee submits a  
173 written request for maintenance of the exemption to the  
174 custodial agency.

175 4. The exemptions in this paragraph apply to information  
176 held by an agency before, on, or after the effective date of the  
177 exemption.

178 5. This paragraph is subject to the Open Government Sunset  
179 Review Act in accordance with s. 119.15, and shall stand  
180 repealed on October 2, 2017, unless reviewed and saved from  
181 repeal through reenactment by the Legislature.

182 Section 2. It is the finding of the Legislature that the  
183 dates of birth of agency personnel enumerated in s.  
184 119.071(4)(d), Florida Statutes, and of the spouses and children  
185 of such personnel be included within the types of identification  
186 and location information for such agency personnel and the  
187 spouses and children thereof that are exempt from public record  
188 requirements under s. 119.071(4)(d), Florida Statutes. It is the  
189 finding of the Legislature that date of birth information can be  
190 used as a tool to perpetuate fraud against an individual and to  
191 acquire sensitive personal, financial, medical, and familial  
192 information, the release of which could cause great financial  
193 harm to an individual. It is also the finding of the Legislature  
194 that, with respect to the existing exemptions from public record  
195 requirements for the telephone numbers of agency personnel  
196 enumerated in s. 119.071(4)(d), Florida Statutes, and the

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197 telephone numbers of the spouses and children of such personnel,  
198 the term "telephone number" should be defined and clarified to  
199 include personal pager numbers. Personal pager numbers are  
200 another means by which any of the agency personnel enumerated in  
201 s. 119.071(4)(d), Florida Statutes, and the spouses and children  
202 of such personnel, could potentially be identified, located, and  
203 put at risk.

204 Section 3. This act shall take effect October 1, 2012.