



481924

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2012	.	
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The Committee on Criminal Justice (Hays) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

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

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term "telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and



481924

13 telephone numbers associated with personal communications  
14 devices.

15 2.a. The home addresses, telephone numbers, social security  
16 numbers, dates of birth, and photographs of active or former  
17 sworn or civilian law enforcement personnel, including  
18 correctional and correctional probation officers, personnel of  
19 the Department of Children and Family Services whose duties  
20 include the investigation of abuse, neglect, exploitation,  
21 fraud, theft, or other criminal activities, personnel of the  
22 Department of Health whose duties are to support the  
23 investigation of child abuse or neglect, and personnel of the  
24 Department of Revenue or local governments whose  
25 responsibilities include revenue collection and enforcement or  
26 child support enforcement; the home addresses, telephone  
27 numbers, social security numbers, photographs, dates of birth,  
28 and places of employment of the spouses and children of such  
29 personnel; and the names and locations of schools and day care  
30 facilities attended by the children of such personnel are exempt  
31 from s. 119.07(1).

32 b. The home addresses, telephone numbers, dates of birth,  
33 and photographs of firefighters certified in compliance with s.  
34 633.35; the home addresses, telephone numbers, photographs,  
35 dates of birth, and places of employment of the spouses and  
36 children of such firefighters; and the names and locations of  
37 schools and day care facilities attended by the children of such  
38 firefighters are exempt from s. 119.07(1).

39 c. The home addresses, dates of birth, and telephone  
40 numbers of current or former justices of the Supreme Court,  
41 district court of appeal judges, circuit court judges, and



481924

42 county court judges; the home addresses, telephone numbers,  
43 dates of birth, and places of employment of the spouses and  
44 children of current or former justices and judges; and the names  
45 and locations of schools and day care facilities attended by the  
46 children of current or former justices and judges are exempt  
47 from s. 119.07(1).

48 d. The home addresses, telephone numbers, social security  
49 numbers, dates of birth, and photographs of current or former  
50 state attorneys, assistant state attorneys, statewide  
51 prosecutors, or assistant statewide prosecutors; the home  
52 addresses, telephone numbers, social security numbers,  
53 photographs, dates of birth, and places of employment of the  
54 spouses and children of current or former state attorneys,  
55 assistant state attorneys, statewide prosecutors, or assistant  
56 statewide prosecutors; and the names and locations of schools  
57 and day care facilities attended by the children of current or  
58 former state attorneys, assistant state attorneys, statewide  
59 prosecutors, or assistant statewide prosecutors are exempt from  
60 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

61 e. The home addresses, dates of birth, and telephone  
62 numbers of general magistrates, special magistrates, judges of  
63 compensation claims, administrative law judges of the Division  
64 of Administrative Hearings, and child support enforcement  
65 hearing officers; the home addresses, telephone numbers, dates  
66 of birth, and places of employment of the spouses and children  
67 of general magistrates, special magistrates, judges of  
68 compensation claims, administrative law judges of the Division  
69 of Administrative Hearings, and child support enforcement  
70 hearing officers; and the names and locations of schools and day



481924

71 care facilities attended by the children of general magistrates,  
72 special magistrates, judges of compensation claims,  
73 administrative law judges of the Division of Administrative  
74 Hearings, and child support enforcement hearing officers are  
75 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
76 Constitution if the general magistrate, special magistrate,  
77 judge of compensation claims, administrative law judge of the  
78 Division of Administrative Hearings, or child support hearing  
79 officer provides a written statement that the general  
80 magistrate, special magistrate, judge of compensation claims,  
81 administrative law judge of the Division of Administrative  
82 Hearings, or child support hearing officer has made reasonable  
83 efforts to protect such information from being accessible  
84 through other means available to the public. ~~This sub-~~  
85 ~~subparagraph is subject to the Open Government Sunset Review Act~~  
86 ~~in accordance with s. 119.15, and shall stand repealed on~~  
87 ~~October 2, 2013, unless reviewed and saved from repeal through~~  
88 ~~reenactment by the Legislature.~~

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



481924

100 24(a), Art. I of the State Constitution.

101 g. The home addresses, telephone numbers, dates of birth,  
102 and photographs of current or former code enforcement officers;  
103 the names, home addresses, telephone numbers, dates of birth,  
104 and places of employment of the spouses and children of such  
105 personnel; and the names and locations of schools and day care  
106 facilities attended by the children of such personnel are exempt  
107 from s. 119.07(1) and s. 24(a), Art. I of the State  
108 Constitution.

109 h. The home addresses, telephone numbers, places of  
110 employment, dates of birth, and photographs of current or former  
111 guardians ad litem, as defined in s. 39.820; the names, home  
112 addresses, telephone numbers, dates of birth, and places of  
113 employment of the spouses and children of such persons; and the  
114 names and locations of schools and day care facilities attended  
115 by the children of such persons are exempt from s. 119.07(1) and  
116 s. 24(a), Art. I of the State Constitution, if the guardian ad  
117 litem provides a written statement that the guardian ad litem  
118 has made reasonable efforts to protect such information from  
119 being accessible through other means available to the public.  
120 ~~This sub-subparagraph is subject to the Open Government Sunset~~  
121 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
122 ~~on October 2, 2015, unless reviewed and saved from repeal~~  
123 ~~through reenactment by the Legislature.~~

124 i. The home addresses, telephone numbers, dates of birth,  
125 and photographs of current or former juvenile probation  
126 officers, juvenile probation supervisors, detention  
127 superintendents, assistant detention superintendents, juvenile  
128 justice detention officers I and II, juvenile justice detention



481924

129 officer supervisors, juvenile justice residential officers,  
130 juvenile justice residential officer supervisors I and II,  
131 juvenile justice counselors, juvenile justice counselor  
132 supervisors, human services counselor administrators, senior  
133 human services counselor administrators, rehabilitation  
134 therapists, and social services counselors of the Department of  
135 Juvenile Justice; the names, home addresses, telephone numbers,  
136 dates of birth, and places of employment of spouses and children  
137 of such personnel; and the names and locations of schools and  
138 day care facilities attended by the children of such personnel  
139 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
140 Constitution.

141 j. The home addresses, telephone numbers, dates of birth,  
142 and photographs of current or former public defenders, assistant  
143 public defenders, criminal conflict and civil regional counsel,  
144 and assistant criminal conflict and civil regional counsel; the  
145 home addresses, telephone numbers, dates of birth, and places of  
146 employment of the spouses and children of such defenders or  
147 counsel; and the names and locations of schools and day care  
148 facilities attended by the children of such defenders or counsel  
149 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
150 Constitution. ~~This sub-subparagraph is subject to the Open  
151 Government Sunset Review Act in accordance with s. 119.15 and  
152 shall stand repealed on October 2, 2015, unless reviewed and  
153 saved from repeal through reenactment by the Legislature.~~

154 ~~3.2.~~ An agency that is the custodian of the information  
155 specified in subparagraph 2. ~~1.~~ and that is not the employer of  
156 the officer, employee, justice, judge, or other person specified  
157 in subparagraph 2. ~~1.~~ shall maintain the exempt status of that



481924

158 information only if the officer, employee, justice, judge, other  
159 person, or employing agency of the designated employee submits a  
160 written request for maintenance of the exemption to the  
161 custodial agency.

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

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

169 Section 2. (1) It is the finding of the Legislature that  
170 the dates of birth of agency personnel enumerated in s.  
171 119.071(4)(d), Florida Statutes, and of the spouses and children  
172 of such personnel be included within the types of identification  
173 and location information for such agency personnel and the  
174 spouses and children thereof that are exempt from public record  
175 requirements under s. 119.071(4)(d), Florida Statutes. It is the  
176 finding of the Legislature that date of birth information can be  
177 used as a tool to perpetuate fraud against an individual and to  
178 acquire sensitive personal, financial, medical, and familial  
179 information, the release of which could cause great financial  
180 harm to an individual. It is also the finding of the Legislature  
181 that, with respect to the existing exemptions from public record  
182 requirements for the telephone numbers of agency personnel  
183 enumerated in s. 119.071(4)(d), Florida Statutes, and the  
184 telephone numbers of the spouses and children of such personnel,  
185 the term "telephone number" should be defined and clarified to  
186 include personal pager numbers. Personal pager numbers are



481924

187 another means by which any of the agency personnel enumerated in  
188 s. 119.071(4)(d), Florida Statutes, and the spouses and children  
189 of such personnel, could potentially be identified, located, and  
190 put at risk.

191 (2) It is the further finding of the Legislature that  
192 specified identification and location information for former  
193 justices of the Supreme Court, district court of appeal judges,  
194 circuit court judges, and county court judges, and for the  
195 spouses and children of such former justices and judges, should  
196 be exempt from public record requirements. In the course of  
197 making rulings, entering judgments, imposing sentences on the  
198 convicted, or reviewing cases from other courts, justices and  
199 judges frequently do not create good will with litigants, the  
200 accused, the convicted, and their associates and families, thus  
201 making the justices and judges, and their spouses and children,  
202 targets for acts of revenge. This risk continues after justices  
203 and judges complete their public service. Disgruntled  
204 individuals may wait to commit an act of revenge until the  
205 employment of a justice or judge ends. If such identifying and  
206 location information were released, the safety of former  
207 justices and judges and their spouses and children could be  
208 seriously jeopardized. Accordingly, it is the finding of the  
209 Legislature that, in addition to the existing exemption from  
210 public record requirements for specified identifying and  
211 location information for current justices of the Supreme Court,  
212 district court of appeal judges, circuit court judges, and  
213 county court judges, and for their spouses and children, it is a  
214 public necessity that such identifying and location information  
215 for such former justices and judges and their spouses and





481924

216 children be made exempt from public record requirements.

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

218  
219 ===== T I T L E A M E N D M E N T =====

220 And the title is amended as follows:

221 Delete everything before the enacting clause  
222 and insert:

223 A bill to be entitled  
224 An act relating to public records; amending s.  
225 119.071, F.S.; including dates of birth within the  
226 types of personal identifying information of specified  
227 agency personnel and the spouses and children of such  
228 personnel that are exempt from public records  
229 requirements under s. 119.071(4)(d), F.S.; clarifying  
230 an exemption for personal identifying information of  
231 active or former law enforcement personnel and the  
232 spouses and children thereof; revising the exemption  
233 for personal identifying and location information of  
234 justices of the Supreme Court, district court of  
235 appeal judges, circuit court judges, and county court  
236 judges, and the spouses and children of such justices  
237 and judges, to include former justices of the Supreme  
238 Court, district court of appeal judges, circuit court  
239 judges, and county court judges, and the spouses and  
240 children thereof; providing for retroactive  
241 application of the exemptions; providing for future  
242 legislative review and repeal of the exemptions;  
243 defining the term "telephone numbers"; providing a  
244 statement of public necessity; providing an effective



481924

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date.