

By Senator Oelrich

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1                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.071, F.S.; providing an exemption from public  
4           records requirements for the date of birth of certain  
5           public employees; clarifying that the exemption  
6           applies to sworn or civilian law enforcement  
7           personnel; defining the term "telephone numbers";  
8           providing for future legislative review and repeal of  
9           the exemption under the Open Government Sunset Review  
10          Act; providing a statement of public necessity;  
11          providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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

17           119.071 General exemptions from inspection or copying of  
18 public records.—

19           (4) AGENCY PERSONNEL INFORMATION.—

20           (a) The social security numbers of all current and former  
21 agency employees which numbers are held by the employing agency  
22 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
23 I of the State Constitution. This paragraph is subject to the  
24 Open Government Sunset Review Act in accordance with s. 119.15  
25 and shall stand repealed on October 2, 2014, unless reviewed and  
26 saved from repeal through reenactment by the Legislature.

27           (b)1. Medical information pertaining to a prospective,  
28 current, or former officer or employee of an agency which, if  
29 disclosed, would identify that officer or employee is exempt

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30 from s. 119.07(1) and s. 24(a), Art. I of the State  
31 Constitution. However, such information may be disclosed if the  
32 person to whom the information pertains or the person's legal  
33 representative provides written permission or pursuant to court  
34 order.

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

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

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

48 (c) Any information revealing undercover personnel of any  
49 criminal justice agency is exempt from s. 119.07(1) and s.  
50 24(a), Art. I of the State Constitution.

51 (d)1.a. The home addresses, telephone numbers, social  
52 security numbers, dates of birth, and photographs of active or  
53 former sworn or civilian law enforcement personnel, including  
54 correctional and correctional probation officers, personnel of  
55 the Department of Children and Family Services whose duties  
56 include the investigation of abuse, neglect, exploitation,  
57 fraud, theft, or other criminal activities, personnel of the  
58 Department of Health whose duties are to support the

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59 investigation of child abuse or neglect, and personnel of the  
60 Department of Revenue or local governments whose  
61 responsibilities include revenue collection and enforcement or  
62 child support enforcement; the home addresses, telephone  
63 numbers, social security numbers, dates of birth, photographs,  
64 and places of employment of the spouses and children of such  
65 personnel; and the names and locations of schools and day care  
66 facilities attended by the children of such personnel are exempt  
67 from s. 119.07(1).

68 b. The home addresses, telephone numbers, dates of birth,  
69 and photographs of firefighters certified in compliance with s.  
70 633.35; the home addresses, telephone numbers, dates of birth,  
71 photographs, and places of employment of the spouses and  
72 children of such firefighters; and the names and locations of  
73 schools and day care facilities attended by the children of such  
74 firefighters are exempt from s. 119.07(1).

75 c. The home addresses, dates of birth, and telephone  
76 numbers of justices of the Supreme Court, district court of  
77 appeal judges, circuit court judges, and county court judges;  
78 the home addresses, telephone numbers, dates of birth, and  
79 places of employment of the spouses and children of justices and  
80 judges; and the names and locations of schools and day care  
81 facilities attended by the children of justices and judges are  
82 exempt from s. 119.07(1).

83 d. The home addresses, telephone numbers, social security  
84 numbers, dates of birth, and photographs of current or former  
85 state attorneys, assistant state attorneys, statewide  
86 prosecutors, or assistant statewide prosecutors; the home  
87 addresses, telephone numbers, social security numbers, dates of

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88 birth, photographs, and places of employment of the spouses and  
89 children of current or former state attorneys, assistant state  
90 attorneys, statewide prosecutors, or assistant statewide  
91 prosecutors; and the names and locations of schools and day care  
92 facilities attended by the children of current or former state  
93 attorneys, assistant state attorneys, statewide prosecutors, or  
94 assistant statewide prosecutors are exempt from s. 119.07(1) and  
95 s. 24(a), Art. I of the State Constitution.

96 e. The home addresses, dates of birth, and telephone  
97 numbers of general magistrates, special magistrates, judges of  
98 compensation claims, administrative law judges of the Division  
99 of Administrative Hearings, and child support enforcement  
100 hearing officers; the home addresses, telephone numbers, dates  
101 of birth, and places of employment of the spouses and children  
102 of general magistrates, special magistrates, judges of  
103 compensation claims, administrative law judges of the Division  
104 of Administrative Hearings, and child support enforcement  
105 hearing officers; and the names and locations of schools and day  
106 care facilities attended by the children of general magistrates,  
107 special magistrates, judges of compensation claims,  
108 administrative law judges of the Division of Administrative  
109 Hearings, and child support enforcement hearing officers are  
110 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
111 Constitution if the general magistrate, special magistrate,  
112 judge of compensation claims, administrative law judge of the  
113 Division of Administrative Hearings, or child support hearing  
114 officer provides a written statement that the general  
115 magistrate, special magistrate, judge of compensation claims,  
116 administrative law judge of the Division of Administrative

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117 Hearings, or child support hearing officer has made reasonable  
118 efforts to protect such information from being accessible  
119 through other means available to the public. This sub-  
120 subparagraph is subject to the Open Government Sunset Review Act  
121 in accordance with s. 119.15, and shall stand repealed on  
122 October 2, 2013, unless reviewed and saved from repeal through  
123 reenactment by the Legislature.

124 f. The home addresses, telephone numbers, dates of birth,  
125 and photographs of current or former human resource, labor  
126 relations, or employee relations directors, assistant directors,  
127 managers, or assistant managers of any local government agency  
128 or water management district whose duties include hiring and  
129 firing employees, labor contract negotiation, administration, or  
130 other personnel-related duties; the names, home addresses,  
131 telephone numbers, dates of birth, and places of employment of  
132 the spouses and children of such personnel; and the names and  
133 locations of schools and day care facilities attended by the  
134 children of such personnel are exempt from s. 119.07(1) and s.  
135 24(a), Art. I of the State Constitution.

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

144 h. The home addresses, telephone numbers, dates of birth,  
145 places of employment, and photographs of current or former

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146 guardians ad litem, as defined in s. 39.820; the names, home  
147 addresses, telephone numbers, dates of birth, and places of  
148 employment of the spouses and children of such persons; and the  
149 names and locations of schools and day care facilities attended  
150 by the children of such persons are exempt from s. 119.07(1) and  
151 s. 24(a), Art. I of the State Constitution, if the guardian ad  
152 litem provides a written statement that the guardian ad litem  
153 has made reasonable efforts to protect such information from  
154 being accessible through other means available to the public.  
155 This sub-subparagraph is subject to the Open Government Sunset  
156 Review Act in accordance with s. 119.15 and shall stand repealed  
157 on October 2, 2015, unless reviewed and saved from repeal  
158 through reenactment by the Legislature.

159 i. The home addresses, telephone numbers, dates of birth,  
160 and photographs of current or former juvenile probation  
161 officers, juvenile probation supervisors, detention  
162 superintendents, assistant detention superintendents, juvenile  
163 justice detention officers I and II, juvenile justice detention  
164 officer supervisors, juvenile justice residential officers,  
165 juvenile justice residential officer supervisors I and II,  
166 juvenile justice counselors, juvenile justice counselor  
167 supervisors, human services counselor administrators, senior  
168 human services counselor administrators, rehabilitation  
169 therapists, and social services counselors of the Department of  
170 Juvenile Justice; the names, home addresses, telephone numbers,  
171 dates of birth, and places of employment of spouses and children  
172 of such personnel; and the names and locations of schools and  
173 day care facilities attended by the children of such personnel  
174 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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175 Constitution.

176 j. The home addresses, telephone numbers, dates of birth,  
177 and photographs of current or former public defenders, assistant  
178 public defenders, criminal conflict and civil regional counsel,  
179 and assistant criminal conflict and civil regional counsel; the  
180 home addresses, telephone numbers, dates of birth, and places of  
181 employment of the spouses and children of such defenders or  
182 counsel; and the names and locations of schools and day care  
183 facilities attended by the children of such defenders or counsel  
184 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
185 Constitution. This sub-subparagraph is subject to the Open  
186 Government Sunset Review Act in accordance with s. 119.15 and  
187 shall stand repealed on October 2, 2015, unless reviewed and  
188 saved from repeal through reenactment by the Legislature.

189 k. For purposes of this paragraph, the term, "telephone  
190 numbers" includes a home telephone number; a personal cellular  
191 telephone number; a personal pager telephone number; a telephone  
192 number associated with personal communications device; or a  
193 telephone number associated with an agency cellular telephone,  
194 pager, or other personal communications device issued or  
195 assigned to agency personnel in furtherance of their duties. The  
196 term does not include an agency contact telephone number that  
197 the agency commonly makes available to the general public.

198 2. An agency that is the custodian of the information  
199 specified in subparagraph 1. and that is not the employer of the  
200 officer, employee, justice, judge, or other person specified in  
201 subparagraph 1. shall maintain the exempt status of that  
202 information only if the officer, employee, justice, judge, other  
203 person, or employing agency of the designated employee submits a

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204 written request for maintenance of the exemption to the  
205 custodial agency.

206 (e) The exemption provided for dates of birth in this  
207 subsection is subject to the Open Government Sunset Review Act  
208 in accordance with s. 119.15, and shall stand repealed on  
209 October 2, 2017, unless reviewed and saved from repeal through  
210 reenactment by the Legislature.

211 Section 2. The Legislature finds that it is a public  
212 necessity that the dates of birth of certain employees of  
213 agencies be made exempt from s. 24(a), Article I of the State  
214 Constitution. An agency needs the date of birth information from  
215 an employee for identifying purposes as its role as an employer.  
216 If such information is available as a public record, fewer  
217 people may be willing to provide the information. The  
218 Legislature recognizes that date of birth information can be  
219 used as a tool to perpetuate fraud against an employee and to  
220 acquire sensitive personal, financial, medical, and familial  
221 information, the release of which could cause great financial or  
222 personal harm to an employee. Without a public records  
223 exemption, a person could use the date of birth information to  
224 further identity fraud or for other criminal purposes. For these  
225 reasons, the public records exemption provided in this act is  
226 necessary for the effective administration of agency personnel.

227 Section 3. This act shall take effect July 1, 2012.