

By the Committee on Criminal Justice; and Senators Oelrich and Garcia

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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 which 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; revising the exemption
11 for personal identifying and location information of
12 justices of the Supreme Court, district court of
13 appeal judges, circuit court judges, and county court
14 judges, and the spouses and children of such justices
15 and judges, to include former justices of the Supreme
16 Court, district court of appeal judges, circuit court
17 judges, and county court judges, and the spouses and
18 children thereof; providing for retroactive
19 application of the exemptions; providing for future
20 legislative review and repeal of the exemptions;
21 defining the term "telephone numbers"; providing a
22 statement of public necessity; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Paragraph (d) of subsection (4) of section
28 119.071, Florida Statutes, is amended to read:

29 119.071 General exemptions from inspection or copying of

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30 public records.—

31 (4) AGENCY PERSONNEL INFORMATION.—

32 (d)1. For purposes of this paragraph, the term "telephone
33 numbers" includes home telephone numbers, personal cellular
34 telephone numbers, personal pager telephone numbers, and
35 telephone numbers associated with personal communications
36 devices.

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

54 b. The home addresses, telephone numbers, dates of birth,
55 and photographs of firefighters certified in compliance with s.
56 633.35; the home addresses, telephone numbers, photographs,
57 dates of birth, and places of employment of the spouses and
58 children of such firefighters; and the names and locations of

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59 schools and day care facilities attended by the children of such
60 firefighters are exempt from s. 119.07(1).

61 c. The home addresses, dates of birth, and telephone
62 numbers of current or former justices of the Supreme Court,
63 district court of appeal judges, circuit court judges, and
64 county court judges; the home addresses, telephone numbers,
65 dates of birth, and places of employment of the spouses and
66 children of current or former justices and judges; and the names
67 and locations of schools and day care facilities attended by the
68 children of current or former justices and judges are exempt
69 from s. 119.07(1).

70 d. The home addresses, telephone numbers, social security
71 numbers, dates of birth, and photographs of current or former
72 state attorneys, assistant state attorneys, statewide
73 prosecutors, or assistant statewide prosecutors; the home
74 addresses, telephone numbers, social security numbers,
75 photographs, dates of birth, and places of employment of the
76 spouses and children of current or former state attorneys,
77 assistant state attorneys, statewide prosecutors, or assistant
78 statewide prosecutors; and the names and locations of schools
79 and day care facilities attended by the children of current or
80 former state attorneys, assistant state attorneys, statewide
81 prosecutors, or assistant statewide prosecutors are exempt from
82 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

83 e. The home addresses, dates of birth, and telephone
84 numbers of general magistrates, special magistrates, judges of
85 compensation claims, administrative law judges of the Division
86 of Administrative Hearings, and child support enforcement
87 hearing officers; the home addresses, telephone numbers, dates

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

111 f. The home addresses, telephone numbers, dates of birth,
112 and photographs of current or former human resource, labor
113 relations, or employee relations directors, assistant directors,
114 managers, or assistant managers of any local government agency
115 or water management district whose duties include hiring and
116 firing employees, labor contract negotiation, administration, or

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117 other personnel-related duties; the names, home addresses,
118 telephone numbers, dates of birth, and places of employment of
119 the spouses and children of such personnel; and the names and
120 locations of schools and day care facilities attended by the
121 children of such personnel are exempt from s. 119.07(1) and s.
122 24(a), Art. I of the State Constitution.

123 g. The home addresses, telephone numbers, dates of birth,
124 and photographs of current or former code enforcement officers;
125 the names, home addresses, telephone numbers, dates of birth,
126 and places of employment of the spouses and children of such
127 personnel; and the names and locations of schools and day care
128 facilities attended by the children of such personnel are exempt
129 from s. 119.07(1) and s. 24(a), Art. I of the State
130 Constitution.

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

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146 i. The home addresses, telephone numbers, dates of birth,
147 and photographs of current or former juvenile probation
148 officers, juvenile probation supervisors, detention
149 superintendents, assistant detention superintendents, juvenile
150 justice detention officers I and II, juvenile justice detention
151 officer supervisors, juvenile justice residential officers,
152 juvenile justice residential officer supervisors I and II,
153 juvenile justice counselors, juvenile justice counselor
154 supervisors, human services counselor administrators, senior
155 human services counselor administrators, rehabilitation
156 therapists, and social services counselors of the Department of
157 Juvenile Justice; the names, home addresses, telephone numbers,
158 dates of birth, and places of employment of spouses and children
159 of such personnel; and the names and locations of schools and
160 day care facilities attended by the children of such personnel
161 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
162 Constitution.

163 j. The home addresses, telephone numbers, dates of birth,
164 and photographs of current or former public defenders, assistant
165 public defenders, criminal conflict and civil regional counsel,
166 and assistant criminal conflict and civil regional counsel; the
167 home addresses, telephone numbers, dates of birth, and places of
168 employment of the spouses and children of such defenders or
169 counsel; and the names and locations of schools and day care
170 facilities attended by the children of such defenders or counsel
171 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
172 Constitution. ~~This sub-subparagraph is subject to the Open
173 Government Sunset Review Act in accordance with s. 119.15 and
174 shall stand repealed on October 2, 2015, unless reviewed and~~

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175 ~~saved from repeal through reenactment by the Legislature.~~

176 ~~3.2.~~ An agency that is the custodian of the information
177 specified in subparagraph 2. 1. and that is not the employer of
178 the officer, employee, justice, judge, or other person specified
179 in subparagraph 2. 1. shall maintain the exempt status of that
180 information only if the officer, employee, justice, judge, other
181 person, or employing agency of the designated employee submits a
182 written request for maintenance of the exemption to the
183 custodial agency.

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

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

191 Section 2. (1) It is the finding of the Legislature that
192 the dates of birth of agency personnel enumerated in s.
193 119.071(4)(d), Florida Statutes, and of the spouses and children
194 of such personnel be included within the types of identification
195 and location information for such agency personnel and the
196 spouses and children thereof which are exempt from public record
197 requirements under s. 119.071(4)(d), Florida Statutes. It is the
198 finding of the Legislature that date of birth information can be
199 used as a tool to perpetuate fraud against an individual and to
200 acquire sensitive personal, financial, medical, and familial
201 information, the release of which could cause great financial
202 harm to an individual. It is also the finding of the Legislature
203 that, with respect to the existing exemptions from public record

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204 requirements for the telephone numbers of agency personnel
205 enumerated in s. 119.071(4)(d), Florida Statutes, and the
206 telephone numbers of the spouses and children of such personnel,
207 the term "telephone number" should be defined and clarified to
208 include personal pager numbers. Personal pager numbers are
209 another means by which any of the agency personnel enumerated in
210 s. 119.071(4)(d), Florida Statutes, and the spouses and children
211 of such personnel, could potentially be identified, located, and
212 put at risk.

213 (2) It is the further finding of the Legislature that
214 specified identification and location information for former
215 justices of the Supreme Court, district court of appeal judges,
216 circuit court judges, and county court judges, and for the
217 spouses and children of such former justices and judges, should
218 be exempt from public record requirements. In the course of
219 making rulings, entering judgments, imposing sentences on the
220 convicted, or reviewing cases from other courts, justices and
221 judges frequently do not create good will with litigants, the
222 accused, the convicted, and their associates and families, thus
223 making the justices and judges, and their spouses and children,
224 targets for acts of revenge. This risk continues after justices
225 and judges complete their public service. Disgruntled
226 individuals may wait to commit an act of revenge until the
227 employment of a justice or judge ends. If such identifying and
228 location information were released, the safety of former
229 justices and judges and their spouses and children could be
230 seriously jeopardized. Accordingly, it is the finding of the
231 Legislature that, in addition to the existing exemption from
232 public record requirements for specified identifying and

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233 location information for current justices of the Supreme Court,
234 district court of appeal judges, circuit court judges, and
235 county court judges, and for their spouses and children, it is a
236 public necessity that such identifying and location information
237 for such former justices and judges and their spouses and
238 children be made exempt from public record requirements.

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