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CS/CS/CS/HB 185

2015 Legislature

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 2 An act relating to public records; amending s.
 3 119.071, F.S.; defining the terms "identification and
 4 location information" and "servicemember"; providing
 5 an exemption from public records requirements for
 6 identification and location information of
 7 servicemembers and the spouses and dependents of
 8 servicemembers; providing applicability; providing for
 9 future legislative review and repeal of the exemption;
 10 providing a statement of public necessity; providing
 11 an effective date.

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

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 15 Section 1. Paragraph (k) is added to subsection (5) of
 16 section 119.071, Florida Statutes, to read:

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

19 (5) OTHER PERSONAL INFORMATION.—

20 (k)1. For purposes of this paragraph, the term:

21 a. "Identification and location information" means the:

22 (I) Home address, telephone number, and date of birth of a
 23 servicemember, and the telephone number associated with a
 24 servicemember's personal communication device.

25 (II) Home address, telephone number, date of birth, and
 26 place of employment of the spouse or dependent of a

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27 servicemember, and the telephone number associated with such
 28 spouse's or dependent's personal communication device.

29 (III) Name and location of a school attended by the spouse
 30 of a servicemember or a school or day care facility attended by
 31 a dependent of a servicemember.

32 b. "Servicemember" means a current or former member of the
 33 Armed Forces of the United States, a reserve component of the
 34 Armed Forces of the United States, or the National Guard, who
 35 served after September 11, 2001.

36 2. Identification and location information held by an
 37 agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the
 38 State Constitution if a servicemember submits to an agency that
 39 has custody of the identification and location information:

40 a. A written request to exempt the identification and
 41 location information from public disclosure; and

42 b. A written statement that he or she has made reasonable
 43 efforts to protect the identification and location information
 44 from being accessible through other means available to the
 45 public.

46 3. This exemption applies to identification and location
 47 information held by an agency before, on, or after the effective
 48 date of this exemption.

49 4. This paragraph is subject to the Open Government Sunset
 50 Review Act in accordance with s. 119.15 and shall stand repealed
 51 on October 2, 2020, unless reviewed and saved from repeal
 52 through reenactment by the Legislature.

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53 Section 2. The Legislature finds that it is a public
54 necessity that identification and location information of
55 current or former members of the Armed Forces of the United
56 States, a reserve component of the Armed Forces of the United
57 States, or the National Guard, who served after September 11,
58 2001, and their spouses and dependents, that is held by an
59 agency be made exempt from s. 119.07(1), Florida Statutes, and
60 s. 24(a), Article I of the State Constitution. Servicemembers
61 perform among the most critical, most effective, and most
62 dangerous operations in defense of our nation's freedom.
63 Terrorist groups have threatened servicemembers and their
64 families and have encouraged terrorist sympathizers to harm
65 servicemembers and their families within the United States. One
66 terrorist group has allegedly gathered the photographs and home
67 addresses of servicemembers from public sources to create and
68 publish a list of servicemembers in order to make such persons
69 vulnerable to an act of terrorism. The Legislature finds that
70 allowing continued public access to the identification and
71 location information of current or former servicemembers and
72 their families jeopardizes the safety of servicemembers, their
73 spouses, and their dependents. The Legislature finds that
74 protecting the safety and security of current or former members
75 of the Armed Forces of the United States, a reserve component of
76 the Armed Forces of the United States, or the National Guard,
77 who served after September 11, 2001, and their spouses and
78 dependents, outweighs any public benefit that may be derived

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79 | from the public disclosure of the identification and location
80 | information.

81 | Section 3. This act shall take effect upon becoming a law.