

By the Committees on Governmental Oversight and Accountability;
and Military and Veterans Affairs and Space

585-02219-20

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.071, F.S., which
4 provides a public records exemption for the
5 identification and location information of
6 servicemembers and the spouses and dependents of
7 servicemembers; expanding the exemption by removing
8 the requirement that a servicemember submit a written
9 statement that reasonable efforts have been made to
10 protect the information in order to claim the
11 exemption; providing for future legislative review and
12 repeal of the exemption; providing a statement of
13 public necessity; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (k) of subsection (5) of section
18 119.071, Florida Statutes, is amended to read:

19 119.071 General exemptions from inspection or copying of
20 public records.—

21 (5) OTHER PERSONAL INFORMATION.—

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

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

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

27 (II) Home address, telephone number, date of birth, and
28 place of employment of the spouse or dependent of a
29 servicemember, and the telephone number associated with such

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30 spouse's or dependent's personal communication device.

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

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

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

42 ~~a. a written request to exempt the identification and~~
43 ~~location information from public disclosure; and~~

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

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

51 4. This paragraph is subject to the Open Government Sunset
52 Review Act in accordance with s. 119.15 and shall stand repealed
53 on October 2, 2025 ~~2020~~, unless reviewed and saved from repeal
54 through reenactment by the Legislature.

55 Section 2. The Legislature finds that it is a public
56 necessity to make identification and location information of
57 current or former members of the Armed Forces of the United
58 States, a reserve component of the Armed Forces of the United

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59 States, or the National Guard, who served after September 11,
60 2001, and their spouses and dependents, exempt from s.
61 119.07(1), Florida Statutes, and s. 24(a), Article I of the
62 State Constitution, regardless of whether such individuals made
63 reasonable efforts to protect such information from being
64 public. Servicemembers perform among the most critical, most
65 effective, and most dangerous operations in defense of our
66 nation's freedom. Terrorist groups continue to threaten
67 servicemembers and their families and encourage terrorist
68 sympathizers to harm servicemembers and their families within
69 the United States. The Legislature finds that allowing public
70 access to the identification and location information of current
71 or former servicemembers and their families jeopardizes the
72 safety of servicemembers, their spouses, and their dependents.
73 The Legislature finds that protecting the safety and security of
74 current or former members of the Armed Forces of the United
75 States, a reserve component of the Armed Forces of the United
76 States, or the National Guard, who served after September 11,
77 2001, and their spouses and dependents, outweighs any public
78 benefit that may be derived from the public disclosure of the
79 identification and location information.

80 Section 3. This act shall take effect October 1, 2020.