

FOR CONSIDERATION By the Committee on Military and Veterans Affairs and Space

583-00887A-20

20207010pb

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 remove the requirement that a servicemember submit
57 a written statement that he or she has made reasonable efforts
58 to protect their identification and location information from

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59 being accessible through other means available to the public in
60 order to claim the public records exemption under s.
61 119.071(5)(k), Florida Statutes. The requirement of a written
62 statement of reasonable efforts is an added burden on these
63 individuals as well as on agencies receiving public records
64 requests. The extent to which servicemembers must protect their
65 information from public accessibility in order to satisfy the
66 reasonable efforts standard is unclear. It is also unclear how
67 much proof of reasonable efforts made by an individual is needed
68 by an agency in order to grant the exemption. The burden on an
69 agency to verify whether these individuals have protected from
70 public disclosure their identification and location information
71 adversely impacts the effective and efficient administration of
72 government in establishing who is otherwise eligible for an
73 exemption. In 2017, the Legislature removed the requirement that
74 certain agency personnel could claim a public records exemption
75 only if reasonable efforts had been made in protecting such
76 information from being accessible through other means available
77 to the public from numerous public records exemptions. Following
78 the 2017 amendments, only two public records exemptions under
79 current law, including the exemption for identification and
80 location information for servicemembers, continue to impose that
81 requirement. Such inconsistencies among public records
82 exemptions reduce accuracy and efficiency of redacting exempt
83 information when a public records request for agency personnel
84 information is made. It is not in the public interest for the
85 public to receive inaccurately redacted information.

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