

CS/HB 629

2012

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 that 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; providing for
11 retroactive application of the exemptions; providing
12 for future legislative review and repeal of the
13 exemptions; defining the term "telephone numbers";
14 providing a statement of public necessity; providing
15 an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (d) of subsection (4) of section
20 119.071, Florida Statutes, is amended to read:

21 119.071 General exemptions from inspection or copying of
22 public records.—

23 (4) AGENCY PERSONNEL INFORMATION.—

24 (d)1. For purposes of this paragraph, the term "telephone
25 numbers" includes home telephone numbers, personal cellular
26 telephone numbers, personal pager telephone numbers, and
27 telephone numbers associated with personal communications
28 devices.

CS/HB 629

2012

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

46 b. The home addresses, telephone numbers, dates of birth,
47 and photographs of firefighters certified in compliance with s.
48 633.35; the home addresses, telephone numbers, photographs,
49 dates of birth, and places of employment of the spouses and
50 children of such firefighters; and the names and locations of
51 schools and day care facilities attended by the children of such
52 firefighters are exempt from s. 119.07(1).

53 c. The home addresses, dates of birth, and telephone
54 numbers of justices of the Supreme Court, district court of
55 appeal judges, circuit court judges, and county court judges;
56 the home addresses, telephone numbers, dates of birth, and

57 places of employment of the spouses and children of justices and
58 judges; and the names and locations of schools and day care
59 facilities attended by the children of justices and judges are
60 exempt from s. 119.07(1).

61 d. The home addresses, telephone numbers, social security
62 numbers, dates of birth, and photographs of current or former
63 state attorneys, assistant state attorneys, statewide
64 prosecutors, or assistant statewide prosecutors; the home
65 addresses, telephone numbers, social security numbers,
66 photographs, dates of birth, and places of employment of the
67 spouses and children of current or former state attorneys,
68 assistant state attorneys, statewide prosecutors, or assistant
69 statewide prosecutors; and the names and locations of schools
70 and day care facilities attended by the children of current or
71 former state attorneys, assistant state attorneys, statewide
72 prosecutors, or assistant statewide prosecutors are exempt from
73 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

74 e. The home addresses, dates of birth, and telephone
75 numbers of general magistrates, special magistrates, judges of
76 compensation claims, administrative law judges of the Division
77 of Administrative Hearings, and child support enforcement
78 hearing officers; the home addresses, telephone numbers, dates
79 of birth, and places of employment of the spouses and children
80 of general magistrates, special magistrates, judges of
81 compensation claims, administrative law judges of the Division
82 of Administrative Hearings, and child support enforcement
83 hearing officers; and the names and locations of schools and day
84 care facilities attended by the children of general magistrates,

CS/HB 629

2012

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

102 f. The home addresses, telephone numbers, dates of birth,
103 and photographs of current or former human resource, labor
104 relations, or employee relations directors, assistant directors,
105 managers, or assistant managers of any local government agency
106 or water management district whose duties include hiring and
107 firing employees, labor contract negotiation, administration, or
108 other personnel-related duties; the names, home addresses,
109 telephone numbers, dates of birth, and places of employment of
110 the spouses and children of such personnel; and the names and
111 locations of schools and day care facilities attended by the
112 children of such personnel are exempt from s. 119.07(1) and s.

CS/HB 629

2012

113 24(a), Art. I of the State Constitution.

114 g. The home addresses, telephone numbers, dates of birth,
115 and photographs of current or former code enforcement officers;
116 the names, home addresses, telephone numbers, dates of birth,
117 and places of employment of the spouses and children of such
118 personnel; and the names and locations of schools and day care
119 facilities attended by the children of such personnel are exempt
120 from s. 119.07(1) and s. 24(a), Art. I of the State
121 Constitution.

122 h. The home addresses, telephone numbers, places of
123 employment, dates of birth, and photographs of current or former
124 guardians ad litem, as defined in s. 39.820; the names, home
125 addresses, telephone numbers, dates of birth, and places of
126 employment of the spouses and children of such persons; and the
127 names and locations of schools and day care facilities attended
128 by the children of such persons are exempt from s. 119.07(1) and
129 s. 24(a), Art. I of the State Constitution, if the guardian ad
130 litem provides a written statement that the guardian ad litem
131 has made reasonable efforts to protect such information from
132 being accessible through other means available to the public.

133 ~~This sub-subparagraph is subject to the Open Government Sunset~~
134 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
135 ~~on October 2, 2015, unless reviewed and saved from repeal~~
136 ~~through reenactment by the Legislature.~~

137 i. The home addresses, telephone numbers, dates of birth,
138 and photographs of current or former juvenile probation
139 officers, juvenile probation supervisors, detention
140 superintendents, assistant detention superintendents, juvenile

CS/HB 629

2012

141 justice detention officers I and II, juvenile justice detention
142 officer supervisors, juvenile justice residential officers,
143 juvenile justice residential officer supervisors I and II,
144 juvenile justice counselors, juvenile justice counselor
145 supervisors, human services counselor administrators, senior
146 human services counselor administrators, rehabilitation
147 therapists, and social services counselors of the Department of
148 Juvenile Justice; the names, home addresses, telephone numbers,
149 dates of birth, and places of employment of spouses and children
150 of such personnel; and the names and locations of schools and
151 day care facilities attended by the children of such personnel
152 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
153 Constitution.

154 j. The home addresses, telephone numbers, dates of birth,
155 and photographs of current or former public defenders, assistant
156 public defenders, criminal conflict and civil regional counsel,
157 and assistant criminal conflict and civil regional counsel; the
158 home addresses, telephone numbers, dates of birth, and places of
159 employment of the spouses and children of such defenders or
160 counsel; and the names and locations of schools and day care
161 facilities attended by the children of such defenders or counsel
162 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
163 Constitution. ~~This sub-subparagraph is subject to the Open~~
164 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
165 ~~shall stand repealed on October 2, 2015, unless reviewed and~~
166 ~~saved from repeal through reenactment by the Legislature.~~

167 ~~3.2.~~ An agency that is the custodian of the information
168 specified in subparagraph 2. 1. and that is not the employer of

CS/HB 629

2012

169 the officer, employee, justice, judge, or other person specified
170 in subparagraph 2. ~~1.~~ shall maintain the exempt status of that
171 information only if the officer, employee, justice, judge, other
172 person, or employing agency of the designated employee submits a
173 written request for maintenance of the exemption to the
174 custodial agency.

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

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

182 Section 2. It is the finding of the Legislature that the
183 dates of birth of agency personnel enumerated in s.
184 119.071(4)(d), Florida Statutes, and of the spouses and children
185 of such personnel be included within the types of identification
186 and location information for such agency personnel and the
187 spouses and children thereof that are exempt from public record
188 requirements under s. 119.071(4)(d), Florida Statutes. It is the
189 finding of the Legislature that date of birth information can be
190 used as a tool to perpetuate fraud against an individual and to
191 acquire sensitive personal, financial, medical, and familial
192 information, the release of which could cause great financial
193 harm to an individual. It is also the finding of the Legislature
194 that, with respect to the existing exemptions from public record
195 requirements for the telephone numbers of agency personnel
196 enumerated in s. 119.071(4)(d), Florida Statutes, and the

CS/HB 629

2012

197 telephone numbers of the spouses and children of such personnel,
198 the term "telephone number" should be defined and clarified to
199 include personal pager numbers. Personal pager numbers are
200 another means by which any of the agency personnel enumerated in
201 s. 119.071(4)(d), Florida Statutes, and the spouses and children
202 of such personnel, could potentially be identified, located, and
203 put at risk.

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