

By Senator Oelrich

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from public
4 records requirements for the date of birth of certain
5 public employees; clarifying that the exemption
6 applies to sworn or civilian law enforcement
7 personnel; defining the term "telephone numbers";
8 providing for future legislative review and repeal of
9 the exemption under the Open Government Sunset Review
10 Act; providing a statement of public necessity;
11 providing an effective date.
12

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

15 Section 1. Subsection (4) of section 119.071, Florida
16 Statutes, is amended to read:

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

19 (4) AGENCY PERSONNEL INFORMATION.—

20 (a) The social security numbers of all current and former
21 agency employees which numbers are held by the employing agency
22 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
23 I of the State Constitution. This paragraph is subject to the
24 Open Government Sunset Review Act in accordance with s. 119.15
25 and shall stand repealed on October 2, 2014, unless reviewed and
26 saved from repeal through reenactment by the Legislature.

27 (b)1. Medical information pertaining to a prospective,
28 current, or former officer or employee of an agency which, if
29 disclosed, would identify that officer or employee is exempt

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30 from s. 119.07(1) and s. 24(a), Art. I of the State
31 Constitution. However, such information may be disclosed if the
32 person to whom the information pertains or the person's legal
33 representative provides written permission or pursuant to court
34 order.

35 2.a. Personal identifying information of a dependent child
36 of a current or former officer or employee of an agency, which
37 dependent child is insured by an agency group insurance plan, is
38 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
39 Constitution. For purposes of this exemption, "dependent child"
40 has the same meaning as in s. 409.2554.

41 b. This exemption is remedial in nature and applies to
42 personal identifying information held by an agency before, on,
43 or after the effective date of this exemption.

44 c. This subparagraph is subject to the Open Government
45 Sunset Review Act in accordance with s. 119.15 and shall stand
46 repealed on October 2, 2014, unless reviewed and saved from
47 repeal through reenactment by the Legislature.

48 (c) Any information revealing undercover personnel of any
49 criminal justice agency is exempt from s. 119.07(1) and s.
50 24(a), Art. I of the State Constitution.

51 (d)1.a. The home addresses, telephone numbers, social
52 security numbers, dates of birth, and photographs of active or
53 former sworn or civilian law enforcement personnel, including
54 correctional and correctional probation officers, personnel of
55 the Department of Children and Family Services whose duties
56 include the investigation of abuse, neglect, exploitation,
57 fraud, theft, or other criminal activities, personnel of the
58 Department of Health whose duties are to support the

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59 investigation of child abuse or neglect, and personnel of the
60 Department of Revenue or local governments whose
61 responsibilities include revenue collection and enforcement or
62 child support enforcement; the home addresses, telephone
63 numbers, social security numbers, dates of birth, photographs,
64 and places of employment of the spouses and children of such
65 personnel; and the names and locations of schools and day care
66 facilities attended by the children of such personnel are exempt
67 from s. 119.07(1).

68 b. The home addresses, telephone numbers, dates of birth,
69 and photographs of firefighters certified in compliance with s.
70 633.35; the home addresses, telephone numbers, dates of birth,
71 photographs, and places of employment of the spouses and
72 children of such firefighters; and the names and locations of
73 schools and day care facilities attended by the children of such
74 firefighters are exempt from s. 119.07(1).

75 c. The home addresses, dates of birth, and telephone
76 numbers of justices of the Supreme Court, district court of
77 appeal judges, circuit court judges, and county court judges;
78 the home addresses, telephone numbers, dates of birth, and
79 places of employment of the spouses and children of justices and
80 judges; and the names and locations of schools and day care
81 facilities attended by the children of justices and judges are
82 exempt from s. 119.07(1).

83 d. The home addresses, telephone numbers, social security
84 numbers, dates of birth, and photographs of current or former
85 state attorneys, assistant state attorneys, statewide
86 prosecutors, or assistant statewide prosecutors; the home
87 addresses, telephone numbers, social security numbers, dates of

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88 birth, photographs, and places of employment of the spouses and
89 children of current or former state attorneys, assistant state
90 attorneys, statewide prosecutors, or assistant statewide
91 prosecutors; and the names and locations of schools and day care
92 facilities attended by the children of current or former state
93 attorneys, assistant state attorneys, statewide prosecutors, or
94 assistant statewide prosecutors are exempt from s. 119.07(1) and
95 s. 24(a), Art. I of the State Constitution.

96 e. The home addresses, dates of birth, and telephone
97 numbers of general magistrates, special magistrates, judges of
98 compensation claims, administrative law judges of the Division
99 of Administrative Hearings, and child support enforcement
100 hearing officers; the home addresses, telephone numbers, dates
101 of birth, and places of employment of the spouses and children
102 of general magistrates, special magistrates, judges of
103 compensation claims, administrative law judges of the Division
104 of Administrative Hearings, and child support enforcement
105 hearing officers; and the names and locations of schools and day
106 care facilities attended by the children of general magistrates,
107 special magistrates, judges of compensation claims,
108 administrative law judges of the Division of Administrative
109 Hearings, and child support enforcement hearing officers are
110 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
111 Constitution if the general magistrate, special magistrate,
112 judge of compensation claims, administrative law judge of the
113 Division of Administrative Hearings, or child support hearing
114 officer provides a written statement that the general
115 magistrate, special magistrate, judge of compensation claims,
116 administrative law judge of the Division of Administrative

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117 Hearings, or child support hearing officer has made reasonable
118 efforts to protect such information from being accessible
119 through other means available to the public. This sub-
120 subparagraph is subject to the Open Government Sunset Review Act
121 in accordance with s. 119.15, and shall stand repealed on
122 October 2, 2013, unless reviewed and saved from repeal through
123 reenactment by the Legislature.

124 f. The home addresses, telephone numbers, dates of birth,
125 and photographs of current or former human resource, labor
126 relations, or employee relations directors, assistant directors,
127 managers, or assistant managers of any local government agency
128 or water management district whose duties include hiring and
129 firing employees, labor contract negotiation, administration, or
130 other personnel-related duties; the names, home addresses,
131 telephone numbers, dates of birth, and places of employment of
132 the spouses and children of such personnel; and the names and
133 locations of schools and day care facilities attended by the
134 children of such personnel are exempt from s. 119.07(1) and s.
135 24(a), Art. I of the State Constitution.

136 g. The home addresses, telephone numbers, dates of birth,
137 and photographs of current or former code enforcement officers;
138 the names, home addresses, telephone numbers, dates of birth,
139 and places of employment of the spouses and children of such
140 personnel; and the names and locations of schools and day care
141 facilities attended by the children of such personnel are exempt
142 from s. 119.07(1) and s. 24(a), Art. I of the State
143 Constitution.

144 h. The home addresses, telephone numbers, dates of birth,
145 places of employment, and photographs of current or former

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

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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175 Constitution.

176 j. The home addresses, telephone numbers, dates of birth,
177 and photographs of current or former public defenders, assistant
178 public defenders, criminal conflict and civil regional counsel,
179 and assistant criminal conflict and civil regional counsel; the
180 home addresses, telephone numbers, dates of birth, and places of
181 employment of the spouses and children of such defenders or
182 counsel; and the names and locations of schools and day care
183 facilities attended by the children of such defenders or counsel
184 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
185 Constitution. This sub-subparagraph is subject to the Open
186 Government Sunset Review Act in accordance with s. 119.15 and
187 shall stand repealed on October 2, 2015, unless reviewed and
188 saved from repeal through reenactment by the Legislature.

189 k. For purposes of this paragraph, the term, "telephone
190 numbers" includes a home telephone number; a personal cellular
191 telephone number; a personal pager telephone number; a telephone
192 number associated with personal communications device; or a
193 telephone number associated with an agency cellular telephone,
194 pager, or other personal communications device issued or
195 assigned to agency personnel in furtherance of their duties. The
196 term does not include an agency contact telephone number that
197 the agency commonly makes available to the general public.

198 2. An agency that is the custodian of the information
199 specified in subparagraph 1. and that is not the employer of the
200 officer, employee, justice, judge, or other person specified in
201 subparagraph 1. shall maintain the exempt status of that
202 information only if the officer, employee, justice, judge, other
203 person, or employing agency of the designated employee submits a

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204 written request for maintenance of the exemption to the
205 custodial agency.

206 (e) The exemption provided for dates of birth in this
207 subsection is subject to the Open Government Sunset Review Act
208 in accordance with s. 119.15, and shall stand repealed on
209 October 2, 2017, unless reviewed and saved from repeal through
210 reenactment by the Legislature.

211 Section 2. The Legislature finds that it is a public
212 necessity that the dates of birth of certain employees of
213 agencies be made exempt from s. 24(a), Article I of the State
214 Constitution. An agency needs the date of birth information from
215 an employee for identifying purposes as its role as an employer.
216 If such information is available as a public record, fewer
217 people may be willing to provide the information. The
218 Legislature recognizes that date of birth information can be
219 used as a tool to perpetuate fraud against an employee and to
220 acquire sensitive personal, financial, medical, and familial
221 information, the release of which could cause great financial or
222 personal harm to an employee. Without a public records
223 exemption, a person could use the date of birth information to
224 further identity fraud or for other criminal purposes. For these
225 reasons, the public records exemption provided in this act is
226 necessary for the effective administration of agency personnel.

227 Section 3. This act shall take effect July 1, 2012.