



Veteran & Military Affairs Subcommittee

Meeting Packet

**Wednesday, February 11, 2015
3:30 pm – 4:30 pm
12 HOB**

**Steve Crisafulli
Speaker**

**Jimmie Smith
Chair**



The Florida House of Representatives

Veteran & Military Affairs Subcommittee

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Speaker

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Chair

Meeting Agenda
Wednesday, February 11, 2015
Room 12, House Office Building
3:30 p.m. – 4:30 p.m.

- I. Call to Order**

- II. Roll Call**

- III. Welcome and Opening Remarks**

- IV. Consideration of the Following Bill(s):**
HB 185 - Public Records/Military Special Operations Units by Gaetz

- V. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 185 Public Records/Military Special Operations Units
SPONSOR(S): Gaetz
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee		Renner <i>RC</i>	Kiner <i>KIK</i>
2) Government Operations Subcommittee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The bill creates a public records exemption for personal identifying information of current or former servicemembers of the United States military special operations units and their spouses and children; and the names and locations of schools and day care facilities attended by the children of such servicemembers.

The public records exemption is subject to the Open Government Sunset Review Act and must stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the State Constitution.

The bill does not appear to have a fiscal impact on state or local governments.

The bill has an effective date of October 1, 2015.

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Public Records Law

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record.

Public Record Exemptions

The Legislature may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) and (b) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

The Open Government Sunset Review Act² provides that a public record exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

The Open Government Sunset Review Act requires the automatic repeal of a newly created exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.

Exempt versus Confidential and Exempt

There is a difference between records the Legislature has determined to be exempt and those which have been determined to be confidential and exempt.³ If the Legislature has determined the information to be confidential then the information is not subject to inspection by the public.⁴ Also, if the information is deemed to be confidential it may only be released to those persons and entities designated in the

¹ Art I., s. 24(c), Fla. Const.

² Section 119.15(6)(b), F.S.

³ *WFTV, Inc. v. School Board of Seminole County*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So.2d 1015 (Fla. 2004).

⁴ *Id.*

statute.⁵ However, the agency is not prohibited from disclosing the records in all circumstances where the records are only exempt.⁶

Military Special Operations Units

Military special operations units are elite military units that are highly trained and specially equipped and have the ability to infiltrate into hostile territory through land, sea, or air to conduct a variety of operations, many of them classified.⁷

The U.S. Special Operations Command (SOCOM) is headquartered at MacDill Air Force Base in Tampa, FL., and oversees the training, equipping, and indoctrination of all special operations units. SOCOM's components include the U.S. Army Special Operations Command, the Naval Special Warfare Command, the Air Force Special Operations Command, and the Marine Corps Special Operations Command.⁸

Effect of Proposed Changes

The bill creates a public records exemption for personal identifying information of current or former servicemembers of the U.S. military special operations units and their spouses and children; and the names and locations of schools and day care facilities attended by the children of such servicemembers. Specifically, this information held by an agency is exempt from public record requirements.

The public records exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the State Constitution.

B. SECTION DIRECTORY:

Section 1. Amends s. 119.071, F.S., providing an exemption from public records requirements for certain personal identifying information of current or former servicemembers of military special operations units and their spouses and children, and the names and locations of schools and day care facilities attended by the children of such servicemembers; providing for future legislative review and repeal of the exemption.

Section 2. Provides a finding of public necessity.

Section 3. Provides an effective date of October 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

⁵ *Id.*

⁶ See *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA), *review denied*, 589 So.2d 289 (Fla. 1991).

⁷ Congressional Research Service Report "U.S. Special Operations Forces (SOF): Background and Issues for Congress," pg. 1, May 8, 2014. Available at <http://news.usni.org/2014/05/15/document-report-congress-u-s-special-operations-forces>.

⁸ *Id.*

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

See FISCAL COMMENTS

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have any direct economic impact on the private sector.

D. FISCAL COMMENTS:

The bill could create a minimal fiscal impact on state and local agencies with staff responsible for complying with public records requests as staff could require training related to the expansion of the public record exemption. In addition, an agency could incur costs associated with redacting the exempt information prior to releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of the agency.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption related to certain personal identifying information of current or former servicemembers of military special operations units and their spouses and children, and the names and locations of schools and day care facilities attended by the children of such servicemembers.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for executive branch rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issue

The bill proposes to place a public record exemption related to certain personal identifying information of current or former servicemembers of military special operations units and their spouses and children, and the names and locations of schools and day care facilities attended by the children of such servicemembers in s. 119.071(4), F.S. However, subsection (4) applies **only** to agency⁹ employees as defined in Ch. 119, F.S. It does not appear that members of a United States military special operations unit would fall within the definition of an agency employee.

Section 119.071(5), F.S., exempts other personal information, including personal information for current or former United States attorneys, assistant United States attorneys, judges of the United States Court of Appeal, United States district judges, and United States magistrates. Likewise, the provisions of this bill also exempt personal information for federal employees; and thus may be a more appropriate subsection.

Public Necessity Statement

As stated above, the Open Government Sunset Review Act provides that an exemption may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

As currently written, the bill's public necessity statement states that allowing public access to this identification and location information can "endanger" these servicemembers, their spouses, and their children. From the language, it appears that the public purpose or goal of the proposed exemption is to protect sensitive information that would "jeopardize an individual's safety" as described above.

Terminology

The bill, as currently written, uses the military term "special operations units." However, the United States Department of Defense Writing Style Guide uses the term "special operations forces."

Other Comments

Similar exemptions recently created require that the person submit in writing a request to exempt information from public disclosure and a written statement that the person has made reasonable efforts to protect the identification and location information from being accessible through other means available to the public. However, this bill does not provide such a requirement.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

⁹ Section 119.011(2), F.S., defines an "agency" to mean any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of Ch. 119, F.S., the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

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A bill to be entitled
 An act relating to public records; amending s.
 119.071, F.S.; providing an exemption from public
 records requirements for certain personal identifying
 information of current or former servicemembers of
 military special operations units and the spouses and
 children of such servicemembers; providing for future
 legislative review and repeal of the exemption;
 providing a statement of public necessity; providing
 an effective date.

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

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

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

(4) AGENCY PERSONNEL INFORMATION.—

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

2.a.(I) The home addresses, telephone numbers, social
 security numbers, dates of birth, and photographs of active or
 former sworn or civilian law enforcement personnel, including

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 | correctional and correctional probation officers, personnel of
 28 | the Department of Children and Families whose duties include the
 29 | investigation of abuse, neglect, exploitation, fraud, theft, or
 30 | other criminal activities, personnel of the Department of Health
 31 | whose duties are to support the investigation of child abuse or
 32 | neglect, and personnel of the Department of Revenue or local
 33 | governments whose responsibilities include revenue collection
 34 | and enforcement or child support enforcement; the home
 35 | addresses, telephone numbers, social security numbers,
 36 | photographs, dates of birth, and places of employment of the
 37 | spouses and children of such personnel; and the names and
 38 | locations of schools and day care facilities attended by the
 39 | children of such personnel are exempt from s. 119.07(1).

40 | (II) The names of the spouses and children of active or
 41 | former sworn or civilian law enforcement personnel and the other
 42 | specified agency personnel identified in sub-sub-subparagraph
 43 | (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
 44 | State Constitution.

45 | (III) Sub-sub-subparagraph (II) is subject to the Open
 46 | Government Sunset Review Act in accordance with s. 119.15, and
 47 | shall stand repealed on October 2, 2018, unless reviewed and
 48 | saved from repeal through reenactment by the Legislature.

49 | b. The home addresses, telephone numbers, dates of birth,
 50 | and photographs of firefighters certified in compliance with s.
 51 | 633.408; the home addresses, telephone numbers, photographs,
 52 | dates of birth, and places of employment of the spouses and

53 children of such firefighters; and the names and locations of
 54 schools and day care facilities attended by the children of such
 55 firefighters are exempt from s. 119.07(1).

56 c. The home addresses, dates of birth, and telephone
 57 numbers of current or former justices of the Supreme Court,
 58 district court of appeal judges, circuit court judges, and
 59 county court judges; the home addresses, telephone numbers,
 60 dates of birth, and places of employment of the spouses and
 61 children of current or former justices and judges; and the names
 62 and locations of schools and day care facilities attended by the
 63 children of current or former justices and judges are exempt
 64 from s. 119.07(1).

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

78 (II) The names of the spouses and children of current or

79 former state attorneys, assistant state attorneys, statewide
80 prosecutors, or assistant statewide prosecutors are exempt from
81 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

82 (III) Sub-sub-subparagraph (II) is subject to the Open
83 Government Sunset Review Act in accordance with s. 119.15, and
84 shall stand repealed on October 2, 2018, unless reviewed and
85 saved from repeal through reenactment by the Legislature.

86 e. The home addresses, dates of birth, and telephone
87 numbers of general magistrates, special magistrates, judges of
88 compensation claims, administrative law judges of the Division
89 of Administrative Hearings, and child support enforcement
90 hearing officers; the home addresses, telephone numbers, dates
91 of birth, and places of employment of the spouses and children
92 of general magistrates, special magistrates, judges of
93 compensation claims, administrative law judges of the Division
94 of Administrative Hearings, and child support enforcement
95 hearing officers; and the names and locations of schools and day
96 care facilities attended by the children of general magistrates,
97 special magistrates, judges of compensation claims,
98 administrative law judges of the Division of Administrative
99 Hearings, and child support enforcement hearing officers are
100 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
101 Constitution if the general magistrate, special magistrate,
102 judge of compensation claims, administrative law judge of the
103 Division of Administrative Hearings, or child support hearing
104 officer provides a written statement that the general

105 magistrate, special magistrate, judge of compensation claims,
 106 administrative law judge of the Division of Administrative
 107 Hearings, or child support hearing officer has made reasonable
 108 efforts to protect such information from being accessible
 109 through other means available to the public.

110 f. The home addresses, telephone numbers, dates of birth,
 111 and photographs of current or former human resource, labor
 112 relations, or employee relations directors, assistant directors,
 113 managers, or assistant managers of any local government agency
 114 or water management district whose duties include hiring and
 115 firing employees, labor contract negotiation, administration, or
 116 other personnel-related duties; the names, home addresses,
 117 telephone numbers, dates of birth, and places of employment of
 118 the spouses and children of such personnel; and the names and
 119 locations of schools and day care facilities attended by the
 120 children of such personnel are exempt from s. 119.07(1) and s.
 121 24(a), Art. I of the State Constitution.

122 g. The home addresses, telephone numbers, dates of birth,
 123 and photographs of current or former code enforcement officers;
 124 the names, home addresses, telephone numbers, dates of birth,
 125 and places of employment of the spouses and children of such
 126 personnel; and the names and locations of schools and day care
 127 facilities attended by the children of such personnel are exempt
 128 from s. 119.07(1) and s. 24(a), Art. I of the State
 129 Constitution.

130 h. The home addresses, telephone numbers, places of

131 employment, dates of birth, and photographs of current or former
 132 guardians ad litem, as defined in s. 39.820; the names, home
 133 addresses, telephone numbers, dates of birth, and places of
 134 employment of the spouses and children of such persons; and the
 135 names and locations of schools and day care facilities attended
 136 by the children of such persons are exempt from s. 119.07(1) and
 137 s. 24(a), Art. I of the State Constitution, if the guardian ad
 138 litem provides a written statement that the guardian ad litem
 139 has made reasonable efforts to protect such information from
 140 being accessible through other means available to the public.

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

157 Constitution.

158 j.(I) The home addresses, telephone numbers, dates of
 159 birth, and photographs of current or former public defenders,
 160 assistant public defenders, criminal conflict and civil regional
 161 counsel, and assistant criminal conflict and civil regional
 162 counsel; the home addresses, telephone numbers, dates of birth,
 163 and places of employment of the spouses and children of such
 164 defenders or counsel; and the names and locations of schools and
 165 day care facilities attended by the children of such defenders
 166 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 167 the State Constitution.

168 (II) The names of the spouses and children of the
 169 specified agency personnel identified in sub-sub-subparagraph
 170 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
 171 State Constitution. This sub-sub-subparagraph is subject to the
 172 Open Government Sunset Review Act in accordance with s. 119.15
 173 and shall stand repealed on October 2, 2019, unless reviewed and
 174 saved from repeal through reenactment by the Legislature.

175 k. The home addresses, telephone numbers, and photographs
 176 of current or former investigators or inspectors of the
 177 Department of Business and Professional Regulation; the names,
 178 home addresses, telephone numbers, and places of employment of
 179 the spouses and children of such current or former investigators
 180 and inspectors; and the names and locations of schools and day
 181 care facilities attended by the children of such current or
 182 former investigators and inspectors are exempt from s. 119.07(1)

183 and s. 24(a), Art. I of the State Constitution if the
 184 investigator or inspector has made reasonable efforts to protect
 185 such information from being accessible through other means
 186 available to the public. This sub-subparagraph is subject to the
 187 Open Government Sunset Review Act in accordance with s. 119.15
 188 and shall stand repealed on October 2, 2017, unless reviewed and
 189 saved from repeal through reenactment by the Legislature.

190 1. The home addresses and telephone numbers of county tax
 191 collectors; the names, home addresses, telephone numbers, and
 192 places of employment of the spouses and children of such tax
 193 collectors; and the names and locations of schools and day care
 194 facilities attended by the children of such tax collectors are
 195 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 196 Constitution if the county tax collector has made reasonable
 197 efforts to protect such information from being accessible
 198 through other means available to the public. This sub-
 199 subparagraph is subject to the Open Government Sunset Review Act
 200 in accordance with s. 119.15 and shall stand repealed on October
 201 2, 2017, unless reviewed and saved from repeal through
 202 reenactment by the Legislature.

203 m. The home addresses, telephone numbers, dates of birth,
 204 and photographs of current or former personnel of the Department
 205 of Health whose duties include, or result in, the determination
 206 or adjudication of eligibility for social security disability
 207 benefits, the investigation or prosecution of complaints filed
 208 against health care practitioners, or the inspection of health

209 care practitioners or health care facilities licensed by the
 210 Department of Health; the names, home addresses, telephone
 211 numbers, dates of birth, and places of employment of the spouses
 212 and children of such personnel; and the names and locations of
 213 schools and day care facilities attended by the children of such
 214 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 215 the State Constitution if the personnel have made reasonable
 216 efforts to protect such information from being accessible
 217 through other means available to the public. This sub-
 218 subparagraph is subject to the Open Government Sunset Review Act
 219 in accordance with s. 119.15 and shall stand repealed on October
 220 2, 2019, unless reviewed and saved from repeal through
 221 reenactment by the Legislature.

222 n. The home addresses, telephone numbers, dates of birth,
 223 and photographs of current or former servicemembers of the
 224 United States military special operations units; the names, home
 225 addresses, telephone numbers, dates of birth, and places of
 226 employment of the spouses and children of such servicemembers;
 227 and the names and locations of schools and day care facilities
 228 attended by the children of such servicemembers are exempt from
 229 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 230 This sub-subparagraph is subject to the Open Government Sunset
 231 Review Act in accordance with s. 119.15 and shall stand repealed
 232 on October 2, 2020, unless reviewed and saved from repeal
 233 through reenactment by the Legislature.

234 3. An agency that is the custodian of the information

235 specified in subparagraph 2. and that is not the employer of the
236 officer, employee, justice, judge, or other person specified in
237 subparagraph 2. shall maintain the exempt status of that
238 information only if the officer, employee, justice, judge, other
239 person, or employing agency of the designated employee submits a
240 written request for maintenance of the exemption to the
241 custodial agency.

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

245 5. Except as otherwise expressly provided in this
246 paragraph, this paragraph is subject to the Open Government
247 Sunset Review Act in accordance with s. 119.15, and shall stand
248 repealed on October 2, 2017, unless reviewed and saved from
249 repeal through reenactment by the Legislature.

250 Section 2. The Legislature finds that it is a public
251 necessity that the home addresses, telephone numbers, dates of
252 birth, and photographs of current or former servicemembers of
253 United States military special operations units; the names, home
254 addresses, telephone numbers, dates of birth, and places of
255 employment of the spouses and children of such servicemembers;
256 and the names and locations of schools and day care facilities
257 attended by the children of such servicemembers be made exempt
258 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
259 the State Constitution. United States military special
260 operations units perform among the most critical, most

261 effective, and most dangerous operations in defense of our
262 nation's freedom. The unique missions undertaken by special
263 operations units render these servicemembers and their families
264 among the most critical assets worthy of protection in our state
265 and country. Allowing public access to the names, addresses, and
266 identifying information of current or former servicemembers of
267 United States military special operations units and their
268 families can endanger these servicemembers, their spouses, and
269 their children. Protecting current and former servicemembers of
270 the United States military special operations units, their
271 spouses, and their children outweighs any public benefit that
272 may be derived from the disclosure of the identifying
273 information protected herein.

274 Section 3. This act shall take effect October 1, 2015.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Veteran & Military Affairs
2 Subcommittee

3 Representative Gaetz offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Paragraph (j) of subsection (5) of section
8 119.071, Florida Statutes, is amended to read:

9 119.071 General exemptions from inspection or copying of
10 public records.-

11 (5) OTHER PERSONAL INFORMATION.-

12 (j)1. For purposes of this paragraph, "identification and
13 location information" means the:

14 a. Home address, telephone number, and photograph of a
15 current or former servicemember of a United States military
16 special operations unit;



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17 b. Home address, telephone number, photograph, and place
18 of employment of the spouse or child of such servicemember; and

19 c. Name and location of the school or day care facility
20 attended by the child of such servicemember.

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

25 a. A written request to exempt such information from
26 public disclosure; and

27 b. A written statement that he or she has made reasonable
28 efforts to protect the identification and location information
29 from being accessible through other means available to the
30 public.

31 3. This paragraph is subject to the Open Government Sunset
32 Review Act in accordance with s. 119.15, and shall stand
33 repealed on October 2, 2020, unless reviewed and saved from
34 repeal through reenactment by the Legislature.

35 Section 2. The Legislature finds that it is a public
36 necessity that the identification and location information held
37 by an agency of a current or former servicemember of a United
38 States military special operations unit; the spouse and children
39 of such servicemember; and the schools and day care facilities
40 attended by the children of such servicemember be made exempt
41 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
42 the State Constitution. United States military special



Amendment No. 1

43 operations units perform among the most critical, most
44 effective, and most dangerous operations in defense of our
45 nation's freedom. The unique missions undertaken by special
46 operations units render these servicemembers and their families
47 among the most critical assets worthy of protection in our state
48 and country. The Legislature finds that allowing public access
49 to the name, addresses, and identifying information of a current
50 or former servicemember of a United States military special
51 operations unit and his or her family may jeopardize the safety
52 of the servicemember, his or her spouse, and their children. The
53 Legislature finds that protecting a current or former
54 servicemember of a United States military special operations
55 unit, his or her spouse, and their children outweighs any public
56 benefit that may be derived from the disclosure of the
57 identifying information protected herein.

58 Section 3. This act shall take effect October 1, 2015.

59
60 -----
61 **T I T L E A M E N D M E N T**

62 Remove lines 2-10 and insert:

63 An act relating to public records; amending s. 119.071, F.S.;
64 providing an exemption from public records requirements for
65 certain personal identifying information of current or former
66 servicemembers of a military special operations unit and the
67 spouses and children of such servicemembers; providing for



Amendment No. 1

68 future legislative review and repeal of the exemption; providing
69 a statement of public necessity; providing an effective date.