

Committee on Criminal Justice

CS/HB 629 — Public Records/Personal Identifying Information/Certain Current and Former Public Employees, Spouses, and Children

by Government Operations Subcommittee and Rep. Hooper and others (CS/SB 916 by Criminal Justice Committee and Senators Oelrich and Garcia)

The bill expands the public record exemptions for identification and location information of certain public employees to include dates of birth of the public employees and of their spouses and children. It also specifies that the public record exemption for identification and location information of law enforcement personnel applies to sworn and civilian law enforcement personnel.

The current exemption for identification and location information applicable to the judiciary is expanded to include former justices and judges, and their spouses and children.

The bill deletes the current statutorily-required repeal of public records exemptions that apply to magistrates, administrative law judges, guardians ad litem, public defenders and others.

The bill defines the term “telephone numbers” to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

The bill provides a statement of public necessity as set forth in Section 2 of the bill. In the statement of public necessity the Legislature finds that:

- It is a public necessity that the dates of birth of agency personnel and their families be made exempt from Art. 1, s. 24(a), State Constitution.
- Date of birth information can be used as a tool to perpetuate fraud against an individual and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an employee.
- A person could use the date of birth information to further identity fraud or for other criminal purposes. For these reasons, the public records exemption provided in this act is necessary for the effective administration of agency personnel.
- Within the existing exemption for telephone numbers of agency personnel and their families, the term “telephone numbers” should be defined and clarified.
- Telephone numbers are an additional means by which those individuals could be identified and put at risk.
- Former justices and judges and their families should fall within the existing exemption applicable to current members of the judiciary.
- Because of the work that the judiciary does they are targets for acts of revenge.
- The risk continues after justices and judges complete their public service.

The bill becomes effective on October 1, 2012, and provides for repeal of the exemptions in s. 119.071(4)(d), F.S., on October 2, 2017, unless reviewed and saved from repeal by the

Legislature. The bill specifies that the exemptions apply to information held before, on, or after the effective date of the exemptions.

If approved by the Governor, these provisions take effect October 1, 2012.

Vote: Senate 39-1; House 114-2