

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; revising the exemption  
11      for personal identifying and location information of  
12      justices of the Supreme Court, district court of  
13      appeal judges, circuit court judges, and county court  
14      judges, and the spouses and children of such justices  
15      and judges, to include former justices of the Supreme  
16      Court, district court of appeal judges, circuit court  
17      judges, and county court judges, and the spouses and  
18      children thereof; providing for retroactive  
19      application of the exemptions; providing for future  
20      legislative review and repeal of the exemptions;  
21      defining the term "telephone numbers"; providing a  
22      statement of public necessity; providing an effective  
23      date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27       Section 1. Paragraph (d) of subsection (4) of section  
28       119.071, Florida Statutes, is amended to read:

29 | 119.071 General exemptions from inspection or copying of  
 30 | public records.—

31 | (4) AGENCY PERSONNEL INFORMATION.—

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

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

54 | b. The home addresses, telephone numbers, dates of birth,  
 55 | and photographs of firefighters certified in compliance with s.  
 56 | 633.35; the home addresses, telephone numbers, photographs,

57 | dates of birth, and places of employment of the spouses and  
58 | children of such firefighters; and the names and locations of  
59 | schools and day care facilities attended by the children of such  
60 | firefighters are exempt from s. 119.07(1).

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

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

83 | e. The home addresses, dates of birth, and telephone  
84 | numbers of general magistrates, special magistrates, judges of

85 compensation claims, administrative law judges of the Division  
86 of Administrative Hearings, and child support enforcement  
87 hearing officers; the home addresses, telephone numbers, dates  
88 of birth, and places of employment of the spouses and children  
89 of general magistrates, special magistrates, judges of  
90 compensation claims, administrative law judges of the Division  
91 of Administrative Hearings, and child support enforcement  
92 hearing officers; and the names and locations of schools and day  
93 care facilities attended by the children of general magistrates,  
94 special magistrates, judges of compensation claims,  
95 administrative law judges of the Division of Administrative  
96 Hearings, and child support enforcement hearing officers are  
97 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
98 Constitution if the general magistrate, special magistrate,  
99 judge of compensation claims, administrative law judge of the  
100 Division of Administrative Hearings, or child support hearing  
101 officer provides a written statement that the general  
102 magistrate, special magistrate, judge of compensation claims,  
103 administrative law judge of the Division of Administrative  
104 Hearings, or child support hearing officer has made reasonable  
105 efforts to protect such information from being accessible  
106 through other means available to the public. ~~This sub-~~  
107 ~~subparagraph is subject to the Open Government Sunset Review Act~~  
108 ~~in accordance with s. 119.15, and shall stand repealed on~~  
109 ~~October 2, 2013, unless reviewed and saved from repeal through~~  
110 ~~reenactment by the Legislature.~~

111 f. The home addresses, telephone numbers, dates of birth,  
112 and photographs of current or former human resource, labor

113 relations, or employee relations directors, assistant directors,  
 114 managers, or assistant managers of any local government agency  
 115 or water management district whose duties include hiring and  
 116 firing employees, labor contract negotiation, administration, or  
 117 other personnel-related duties; the names, home addresses,  
 118 telephone numbers, dates of birth, and places of employment of  
 119 the spouses and children of such personnel; and the names and  
 120 locations of schools and day care facilities attended by the  
 121 children of such personnel are exempt from s. 119.07(1) and s.  
 122 24(a), Art. I of the State Constitution.

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

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

141 being accessible through other means available to the public.  
142 ~~This sub-subparagraph is subject to the Open Government Sunset~~  
143 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
144 ~~on October 2, 2015, unless reviewed and saved from repeal~~  
145 ~~through reenactment by the Legislature.~~

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

163 j. The home addresses, telephone numbers, dates of birth,  
164 and photographs of current or former public defenders, assistant  
165 public defenders, criminal conflict and civil regional counsel,  
166 and assistant criminal conflict and civil regional counsel; the  
167 home addresses, telephone numbers, dates of birth, and places of  
168 employment of the spouses and children of such defenders or

169 counsel; and the names and locations of schools and day care  
170 facilities attended by the children of such defenders or counsel  
171 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
172 Constitution. ~~This sub-subparagraph is subject to the Open  
173 Government Sunset Review Act in accordance with s. 119.15 and  
174 shall stand repealed on October 2, 2015, unless reviewed and  
175 saved from repeal through reenactment by the Legislature.~~

176 ~~3.2.~~ An agency that is the custodian of the information  
177 specified in subparagraph ~~2. 1.~~ and that is not the employer of  
178 the officer, employee, justice, judge, or other person specified  
179 in subparagraph ~~2. 1.~~ shall maintain the exempt status of that  
180 information only if the officer, employee, justice, judge, other  
181 person, or employing agency of the designated employee submits a  
182 written request for maintenance of the exemption to the  
183 custodial agency.

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

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

191 Section 2. (1) It is the finding of the Legislature that  
192 the dates of birth of agency personnel enumerated in s.  
193 119.071(4)(d), Florida Statutes, and of the spouses and children  
194 of such personnel be included within the types of identification  
195 and location information for such agency personnel and the  
196 spouses and children thereof that are exempt from public record

197 requirements under s. 119.071(4) (d), Florida Statutes. It is the  
198 finding of the Legislature that date of birth information can be  
199 used as a tool to perpetuate fraud against an individual and to  
200 acquire sensitive personal, financial, medical, and familial  
201 information, the release of which could cause great financial  
202 harm to an individual. It is also the finding of the Legislature  
203 that, with respect to the existing exemptions from public record  
204 requirements for the telephone numbers of agency personnel  
205 enumerated in s. 119.071(4) (d), Florida Statutes, and the  
206 telephone numbers of the spouses and children of such personnel,  
207 the term "telephone number" should be defined and clarified to  
208 include personal pager numbers. Personal pager numbers are  
209 another means by which any of the agency personnel enumerated in  
210 s. 119.071(4) (d), Florida Statutes, and the spouses and children  
211 of such personnel, could potentially be identified, located, and  
212 put at risk.

213 (2) It is the further finding of the Legislature that  
214 specified identification and location information for former  
215 justices of the Supreme Court, district court of appeal judges,  
216 circuit court judges, and county court judges, and for the  
217 spouses and children of such former justices and judges, should  
218 be exempt from public record requirements. In the course of  
219 making rulings, entering judgments, imposing sentences on the  
220 convicted, or reviewing cases from other courts, justices and  
221 judges frequently do not create good will with litigants, the  
222 accused, the convicted, and their associates and families, thus  
223 making the justices and judges, and their spouses and children,  
224 targets for acts of revenge. This risk continues after justices

225 and judges complete their public service. Disgruntled  
226 individuals may wait to commit an act of revenge until the  
227 employment of a justice or judge ends. If such identifying and  
228 location information were released, the safety of former  
229 justices and judges and their spouses and children could be  
230 seriously jeopardized. Accordingly, it is the finding of the  
231 Legislature that, in addition to the existing exemption from  
232 public record requirements for specified identifying and  
233 location information for current justices of the Supreme Court,  
234 district court of appeal judges, circuit court judges, and  
235 county court judges, and for their spouses and children, it is a  
236 public necessity that such identifying and location information  
237 for such former justices and judges and their spouses and  
238 children be made exempt from public record requirements.

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