

Committee Substitute for
Committee Substitute for Senate Bill No. 348

An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements; providing for the confidentiality of personal identifying information contained in records for United States attorneys, assistant United States attorneys, judges of the United States Courts of Appeal, United States district judges, United States magistrate judges, and their spouses and children; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; amending s. 119.07, F.S.; providing an exemption from public records requirements for social security numbers of agency employees upon written request; providing for an exception to the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (i) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(i)1. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the 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 the provisions of subsection (1). The home addresses, telephone numbers, and photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from subsection (1). The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and

locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1). The home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution.

2. The home addresses, telephone numbers, social security numbers, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the 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 subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

3. The home addresses, telephone numbers, social security numbers, and photographs of current or former United States attorneys and assistant United States attorneys; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former United States attorneys and assistant United States attorneys; and the names and locations of schools and day care facilities attended by the children of current or former United States attorneys and assistant United States attorneys are exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

4. The home addresses, telephone numbers, social security numbers, and photographs of current or former judges of United States Courts of Appeal, United States district judges, and United States magistrate judges; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former judges of United States Courts of Appeal, United States district judges, and United States magistrate judges; and the names and locations of schools and day care facilities attended by the children of current or former judges of United States Courts of Appeal, United States district judges, and United States magistrate judges are exempt from subsection (1) and s. 24(a), Art.

I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

5.3. The home addresses, telephone numbers, social security numbers, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, social security numbers, photographs, 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 subsection (1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

6.4. An agency that is the custodian of the personal information specified in subparagraph 1., subparagraph 2.,~~or~~ subparagraph 3., subparagraph 4., or subparagraph 5., and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 1., subparagraph 2.,~~or~~ subparagraph 3., subparagraph 4., or subparagraph 5., shall maintain the confidentiality of the personal information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for confidentiality to the custodial agency.

Section 2. The Legislature finds that the exemption from public-records requirements provided for by this act for identifying and locating information relating to current and former United States attorneys, assistant United States attorneys, judges of the United States Courts of Appeal, United States district judges, United States magistrate judges, and their families is a public necessity. Current and former United States attorneys, assistant United States attorneys, judges of the United States Courts of Appeal, United States district judges, and United States magistrate judges interact with accused and convicted criminals every day of their careers. The capacity in which they deal with the accused and the convicted does not create good will among the accused, the convicted, their associates, or their families. United States attorneys and assistant United States attorneys determine the severity of the charges brought, file charges against the accused, and prosecute alleged criminals every day. Further, current and former judges of the United States Courts of Appeal, United States district judges, and United States magistrate judges make rulings during trials, impose sentences on the convicted, or review cases from other courts. As such, the duties of these current or former attorneys and judges do not create good will among the accused, the convicted, their associates, and families, and make those federal attorneys and judges potential targets for acts of revenge. Further, their duties make their spouses and children potential targets for acts of revenge. If identifying or location information were available, the safety and welfare of federal attorneys and judges, and their spouses and children, could be seriously jeopardized. Accordingly, it is a public necessity that identifying and personal information be made exempt. Thus, the Legislature finds there to be a public necessity to protect identifying and locating information of current and former United States attorneys

and assistant United States attorneys, judges of the United States Courts of Appeal, United States district judges, and United States magistrate judges, and their spouses and children.

Section 3. Paragraph (x) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(x)~~1~~. The social security numbers of all current and former agency employees which numbers are contained in agency employment records are exempt from subsection (1) and ~~exempt from~~ s. 24(a), Art. I of the State Constitution. As used in this paragraph, the term “agency” means an agency as defined in s. 119.011.

2. An agency that is the custodian of a social security number specified in subparagraph 1. and that is not the employing agency shall maintain the exempt status of the social security number only if the employee or the employing agency of the employee submits a written request for confidentiality to the custodial agency. However, upon a request by a commercial entity as provided in s. 119.0721 the custodial agency shall release the last four digits of the exempt social security number, except that a social security number provided in a lien filed with the Department of State shall be released in its entirety. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. The Legislature finds that it is a public necessity that social security numbers of agency employees held by an agency be made exempt from public disclosure. The Legislature also finds that it is no longer a necessity to allow commercial entities access to complete social security numbers of agency employees if the employee or the employing agency of that employee has submitted a written request for confidentiality of his or her social security number. Commercial entities have cited a number of reasons for needing access to the complete social security numbers of agency employees when held by government agencies. The prevailing needs are for commercial entity verification of the accuracy of personal information received by such entity and for commercial entity use in matching, verifying, or retrieving information. A commercial entity can continue to verify the accuracy of personal information received using only the last four digits of social security numbers of agency employees. A commercial entity can also continue matching, verifying, or retrieving information utilizing the last four digits of such numbers. Additionally, commercial entities are still provided access to complete social security numbers of agency employees provided in a lien filed with the Department of State. The social security number is not the only source of information a business can utilize for such purposes. Commercial entities can also use an employee’s date of birth or maiden name for matching, verifying, or retrieving information regarding

an individual. As such, a commercial entity's performance will not be hampered if access to social security numbers is limited to the last four digits of such employee's social security number. Further, social security numbers are of a sensitive personal nature and are often the link to an individual's personal, financial, medical, or familial records. It is the only nationwide, unique numeric form of identification in existence in the United States. Commercial entity access to such numbers in their entirety could lead to misuse of those numbers. Such misuse could lead to increased opportunities of fraud and identity theft. As such, the Legislature finds that the harm from disclosing to commercial entities complete social security numbers of agency employees who have requested confidentiality of such numbers outweighs any public benefit that can be derived from commercial entity access to such numbers, as opposed to access that is restricted to the final four digits of such social security numbers.

Section 5. This act shall take effect July 1, 2004.

Approved by the Governor May 25, 2004.

Filed in Office Secretary of State May 25, 2004.