

To: Property Appraisers, Tax Collectors, Clerks of the Court, Boards of County Commissioners, Taxing Authorities, and Interested Parties
From: Property Tax Oversight Program
Date: July 15, 2015
Bulletin: PTO 15-08

**FLORIDA DEPARTMENT OF REVENUE
PROPERTY TAX INFORMATIONAL BULLETIN**

Public Records/Active Duty Servicemembers and Families

The 2015 Legislature enacted Chapter 2015-86, Laws of Florida, (HB 185) effective June 2, 2015. Section 1 creates a public records exemption for the identification and location information of current or former active duty servicemembers of the U.S. Armed Forces, Reserve Forces, or National Guard who served after September 11, 2001, and their spouses and dependents. In order for the exemption to apply, the current or former servicemember must submit to the custodial agency a written request and a written statement that reasonable efforts had been made to protect the identification and location information from being accessible through other means available to the public.

Section 2 of the law provides a statement of public necessity.

Section 1. Paragraph (k) is added to subsection (5) of section 119.071, Florida Statutes, to read (words ~~stricken~~ are deletions; words underlined are additions):

119.071 General exemptions from inspection or copying of public records.

(5) OTHER PERSONAL INFORMATION.—

(k)1. For purposes of this paragraph, the term:

a. “Identification and location information” means the:

(I) Home address, telephone number, and date of birth of a servicemember, and the telephone number associated with a servicemember’s personal communication device.

(II) Home address, telephone number, date of birth, and place of employment of the spouse or dependent of a servicemember, and the telephone number associated with such spouse’s or dependent’s personal communication device.

(III) Name and location of a school attended by the spouse of a servicemember or a school or day care facility attended by a dependent of a servicemember.

b. “Servicemember” means a current or former member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001.

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

a. A written request to exempt the identification and location information from public disclosure; and

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

3. This exemption applies to identification and location information held by an agency before, on, or after the effective date of this exemption.

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

Section 2. The Legislature finds that it is a public necessity that identification and location information of current or former members of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001, and their spouses and dependents, that is held by an agency be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Servicemembers perform among the most critical, most effective, and most dangerous operations in defense of our nation's freedom. Terrorist groups have threatened servicemembers and their families and have encouraged terrorist sympathizers to harm servicemembers and their families within the United States. One terrorist group has allegedly gathered the photographs and home addresses of servicemembers from public sources to create and publish a list of servicemembers in order to make such persons vulnerable to an act of terrorism. The Legislature finds that allowing continued public access to the identification and location information of current or former servicemembers and their families jeopardizes the safety of servicemembers, their spouses, and their dependents. The Legislature finds that protecting the safety and security of current or former members of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001, and their spouses and dependents, outweighs any public benefit that may be derived from the public disclosure of the identification and location information.

The full text of the changes is available at <http://laws.flrules.org/2015/86>.

The Department of Revenue has provided this bulletin for your general information. If you have questions about its contents, please send them to DORPTO@dor.state.fl.us.