

By the Committee on Children and Families; and Senator
Diaz-Balart

300-2069-00

1 A bill to be entitled
2 An act relating to confidentiality of records;
3 amending s. 119.07, F.S.; providing for the
4 exemption of certain information regarding
5 personnel, and the families of personnel, of
6 the Department of Children and Family Services
7 who provide services to abused, neglected,
8 abandoned, or exploited children, disabled
9 adults, and elderly persons; providing for
10 future review and repeal; providing a
11 legislative finding of necessity; providing for
12 the release of certain records by the court in
13 cases involving the death of a child, disabled
14 adult, or elderly person; providing an
15 effective date.

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

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19 Section 1. Paragraph (i) of subsection (3) and
20 paragraph (b) of subsection (7) of section 119.07, Florida
21 Statutes, are amended to read:

22 119.07 Inspection, examination, and duplication of
23 records; exemptions.--

24 (3)

25 (i)1. The home addresses, telephone numbers, social
26 security numbers, and photographs of active or former law
27 enforcement personnel, including correctional and correctional
28 probation officers, of personnel, and of the families of such
29 personnel, of the Department of Children and Family Services
30 whose duties include the investigation of abuse, abandonment,
31 neglect, or exploitation, or the provision of services to

1 abused, neglected, abandoned or exploited children, disabled
2 adults, and elderly persons, and of ~~fraud, theft, or other~~
3 ~~criminal activities,~~ personnel of the Department of Health
4 whose duties are to support the investigation of child abuse
5 or neglect, and personnel of the Department of Revenue or
6 local governments whose responsibilities include revenue
7 collection and enforcement or child support enforcement, and
8 the home addresses, telephone numbers, social security
9 numbers, photographs, and places of employment of the spouses
10 and children of such personnel ~~and~~ the names and locations of
11 schools and day care facilities attended by the children of
12 such personnel are exempt from the provisions of subsection
13 (1). The home addresses, telephone numbers, and photographs of
14 firefighters certified in compliance with s. 633.35; the home
15 addresses, telephone numbers, photographs, and places of
16 employment of the spouses and children of such firefighters;
17 and the names and locations of schools and day care facilities
18 attended by the children of such firefighters are exempt from
19 subsection (1). The home addresses and telephone numbers of
20 justices of the Supreme Court, district court of appeal
21 judges, circuit court judges, and county court judges; the
22 home addresses, telephone numbers, and places of employment of
23 the spouses and children of justices and judges; and the names
24 and locations of schools and day care facilities attended by
25 the children of justices and judges are exempt from the
26 provisions of subsection (1). The home addresses, telephone
27 numbers, social security numbers, and photographs of current
28 or former state attorneys, assistant state attorneys,
29 statewide prosecutors, or assistant statewide prosecutors; the
30 home addresses, telephone numbers, social security numbers,
31 photographs, and places of employment of the spouses and

1 children of current or former state attorneys, assistant state
2 attorneys, statewide prosecutors, or assistant statewide
3 prosecutors; and the names and locations of schools and day
4 care facilities attended by the children of current or former
5 state attorneys, assistant state attorneys, statewide
6 prosecutors, or assistant statewide prosecutors are exempt
7 from subsection (1) and s. 24(a), Art. I of the State
8 Constitution. The home addresses and home telephone numbers of
9 county and municipal code inspectors and code enforcement
10 officers are confidential and exempt from the provisions of
11 subsection (1) and s. 24(a), Art. I of the State Constitution.

12 2. An agency that is the custodian of the personal
13 information specified in subparagraph 1. and that is not the
14 employer of the officer, employee, justice, judge, or other
15 person specified in subparagraph 1. shall maintain the
16 confidentiality of the personal information only if the
17 officer, employee, justice, judge, other person, or employing
18 agency of the designated employee submits a written request
19 for confidentiality to the custodial agency.

20 (7)

21 (b) In cases involving serious bodily injury to a
22 child, a disabled adult or an elderly person, and in cases
23 involving the death of a child, a disabled adult, or an
24 elderly person, including cases when the death has not been
25 determined to be the result of abuse, abandonment, or neglect,
26 the Department of Children and Family Services may petition
27 the court for an order for the immediate public release of
28 records of the department which pertain to the investigation
29 of abuse, neglect, abandonment, or exploitation of the child,
30 disabled adult, or elderly person who suffered serious bodily
31 injury or death. The petition must be personally served upon

1 the child, disabled adult, or elderly person, the child's
2 parents or guardian, the legal guardian of that person, if
3 any, and any person named as an alleged perpetrator in the
4 report of abuse, neglect, abandonment, or exploitation. The
5 court must determine if good cause exists for the public
6 release of the records sought no later than 24 hours,
7 excluding Saturdays, Sundays, and legal holidays, after the
8 date the department filed the petition with the court. If the
9 court has neither granted nor denied the petition within the
10 24-hour time period, the department may release to the public
11 summary information including:

12 1. A confirmation that an investigation has been
13 conducted concerning the alleged victim.

14 2. The dates and brief description of procedural
15 activities undertaken during the department's investigation.

16 3. The date of each judicial proceeding, a summary of
17 each participant's recommendations made at the judicial
18 proceedings, and the rulings of the court.

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20 The summary information may not include the name of, or other
21 identifying information with respect to, any person identified
22 in any investigation. In making a determination to release
23 confidential information, the court shall balance the best
24 interests of the disabled adult or elderly person or child who
25 is the focus of the investigation and, in the case of the
26 child, the interests of that child's siblings, together with
27 the privacy rights of other persons identified in the reports
28 against the public interest for access to public records.
29 However, this paragraph does not contravene ss. 39.202 and
30 415.107, which protect the name of any person reporting abuse,
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1 neglect, or exploitation of a child, a disabled adult, or an
2 elderly person.

3 Section 2. The exemption from the public records law
4 of records specified in section 119.07(3)(i)1., Florida
5 Statutes, of personnel, and the families of personnel, of the
6 Department of Children and Family Services who provide
7 services to abused, neglected, abandoned, or exploited
8 children, disabled adults, or elderly persons, as provided in
9 section 1, is subject to the Open Government Sunset Review Act
10 of 1995 in accordance with section 119.15, Florida Statutes,
11 and shall stand repealed on October 2, 2005, unless reviewed
12 and saved from repeal through reenactment by the Legislature.

13 Section 3. The Legislature finds that it is a public
14 necessity to protect the confidentiality of personal records
15 and information of personnel, and the families of personnel,
16 of the Department of Children and Family Services who provide
17 services to abused, neglected, or exploited children, disabled
18 adults, and elderly persons. The Legislature finds that the
19 release of such information could enable disgruntled persons
20 to harass the personnel of the department and their families.
21 The Legislature further finds that no valid public purpose is
22 served by making such information available to the public.

23 Section 4. This act shall take effect upon becoming a
24 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2420

- Removes a duplicative provision from the bill regarding the Department of Children and Family Services petitioning the court for the immediate public release of records concerning the investigation of abuse, neglect, abandonment or exploitation of a child, disabled adult or elderly person who died.
- Clarifies that the provisions in s. 119.(7)(b), for the immediate public release of records pertain to all cases involving the death of a child, a disabled adult, or an elderly person including cases when the death has not been determined to be the result of abuse, abandonment, or neglect.
- Removes from s. 119.07(3)(i)1., obsolete language pertaining to the duties of the Department of Children and Family Services' protective investigators.