

By Senator Sanderson

31-386A-01

1                                   A bill to be entitled  
2           An act relating to public records; providing an  
3           exemption from the public-records requirements  
4           for information in the possession of a  
5           non-Title IV-D county child-support-enforcement  
6           agency which reveals the identity of applicants  
7           for and recipients of child-support services;  
8           providing for future legislative review and  
9           repeal; providing a finding of public  
10          necessity; providing an effective date.

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

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14           Section 1. (1) Any information that reveals the  
15 identity of applicants for or recipients of child-support  
16 services, including the name, address, and telephone number of  
17 such persons, in the possession of a non-Title IV-D county  
18 child-support-enforcement agency is confidential and exempt  
19 from public disclosure pursuant to section 119.07(1), Florida  
20 Statutes, and Section 24(a) of Article I of the State  
21 Constitution. The use or disclosure of such information by the  
22 non-Title IV-D county child-support-enforcement agency is  
23 limited to the purposes directly connected with:

24           (a) Any investigation, prosecution, or criminal or  
25 civil proceeding connected with the administration of any  
26 non-Title IV-D county child-support-enforcement program;

27           (b) Mandatory disclosure of identifying and location  
28 information as provided in section 61.13(9), Florida Statutes,  
29 by the non-Title IV-D county child-support-enforcement agency  
30 when providing non-Title IV-D services; or

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1           (c) Mandatory disclosure of information as required by  
2 sections 409.2577, 61.181, 61.1825, and 61.1826, Florida  
3 Statutes, and Title IV-D of the Social Security Act.

4           (2) The county child-support-enforcement agency shall  
5 not disclose information that identifies by name and address  
6 an applicant for or recipient of child-support services or the  
7 whereabouts of such party or child to another person against  
8 whom a protective order with respect to the former party or  
9 the child has been entered if the county agency has reason to  
10 believe that the release of information to such person could  
11 result in physical or emotional harm to the party or the  
12 child.

13           (3) As used in this section, "county  
14 child-support-enforcement agency" means a department,  
15 division, or other agency of a county government which is  
16 operated by the county to provide child-support-enforcement  
17 services to county residents.

18           (4) This section is subject to the Open Government  
19 Sunset Review Act of 1995 in accordance with section 119.15,  
20 Florida Statutes, and shall stand repealed on October 2, 2005,  
21 unless reviewed and saved from repeal through reenactment by  
22 the Legislature.

23           Section 2. The Legislature finds that it is a public  
24 necessity to exempt from disclosure pursuant to section  
25 119.07(1), Florida Statutes, and Section 24 of Article I of  
26 the State Constitution all identifying information concerning  
27 applicants for and recipients of child-support services which  
28 is in the possession of any non-Title IV-D county  
29 child-support-enforcement agency. The Legislature recognizes  
30 that all persons served by a non-Title IV-D county  
31 child-support-enforcement agency are eligible to receive

1 services from the Department of Revenue, the state's Title  
2 IV-D agency. The Legislature further recognizes that  
3 information concerning applicants for and recipients of  
4 child-support services who are served by these county agencies  
5 would otherwise be exempt from disclosure pursuant to section  
6 409.2579, Florida Statutes, if served by the Department of  
7 Revenue. Therefore, because provision of child-support  
8 services by such county agencies provides a useful and  
9 appropriate alternative to the child-support services provided  
10 by the state, the Legislature finds that persons served by  
11 such county agencies should be entitled to similar disclosure  
12 protections afforded to persons receiving child-support  
13 services from the state. Additionally, the Legislature finds  
14 that many of the child-support-enforcement cases handled by  
15 these agencies are also domestic violence cases. In such  
16 cases, agency clients have been subjected to domestic violence  
17 or abuse and fear for their lives and those of their minor  
18 children. The Legislature further finds that federal and state  
19 law currently prohibit the disclosure of information  
20 concerning clients served by the Title IV-D cases when a  
21 protective order has been issued or the Title IV-D agency has  
22 reason to believe that disclosure of information may result in  
23 physical or emotional harm to the client or child, and the  
24 Legislature wishes to extend similar protections to the  
25 clients of non-Title IV-D county child-support-enforcement  
26 agencies. Therefore, the Legislature determines that any  
27 benefit that could occur from public disclosure of the  
28 information concerning applicants for or recipients of  
29 child-support services from county child-support-enforcement  
30 agencies is outweighed by the risk of harm to the clients and  
31 their children and that there is present need to exempt such

1 information from disclosure under the public-records laws of  
2 this state.

3 Section 3. This act shall take effect July 1, 2001.

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6 SENATE SUMMARY

7 Provides an exemption from the public records  
8 requirements for information that reveals the identity of  
9 applicants and recipients of child-support services in  
10 the possession of a non-Title IV-D county  
11 child-support-enforcement agency. Provides for future  
12 legislative review and repeal. Provides a finding of  
13 public necessity.

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