

By the Committee on Children and Families; and Senator Sanderson

300-1487-01

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

13 (3) As used in this section, "Non-Title IV-D 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, excluding local depositories pursuant
17 to section 61.181, Florida Statutes, operated by the clerk of
18 the court, to provide child-support-enforcement and depository
19 services to county residents.

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22 Florida Statutes, and shall stand repealed on October 2, 2005,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

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

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

1 agencies is outweighed by the risk of harm to the clients and
2 their children and that there is present need to exempt such
3 information from disclosure under the public-records laws of
4 this state.

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

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 Senate Bill 772

10 Provides for a consistent reference to the Non-Title IV-D
11 county child support enforcement agency.

12 Clarifies that the definition of "county child support
13 enforcement agency" excludes the Clerks of the Circuit Courts.

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