

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 exceptions; providing for future
9 legislative review and repeal; providing a
10 finding of public necessity; providing an
11 effective date.

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

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

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

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

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 (d) Disclosure to an authorized person, as defined in
5 Title 45 C.F.R. s. 303.15, for purposes of enforcing any state
6 or federal law with respect to the unlawful taking or
7 restraint of a child or making or enforcing a child custody or
8 visitation determination. As used in this paragraph, the term
9 "authorized person" includes a noncustodial parent, unless a
10 court has entered an order under s. 741.30, s. 741.31, or s.
11 784.046.

12 (2) The Non-Title IV-D county
13 child-support-enforcement agency shall not disclose
14 information that identifies by name and address an applicant
15 for or recipient of child-support services or the whereabouts
16 of such party or child to another person against whom a
17 protective order with respect to the former party or the child
18 has been entered if the county agency has reason to believe
19 that the release of information to such person could result in
20 physical or emotional harm to the party or the child.

21 (3) As used in this section, "Non-Title IV-D county
22 child-support-enforcement agency" means a department,
23 division, or other agency of a county government which is
24 operated by the county, excluding local depositories pursuant
25 to section 61.181, Florida Statutes, operated by the clerk of
26 the court, to provide child-support-enforcement and depository
27 services to county residents.

28 (4) This section is subject to the Open Government
29 Sunset Review Act of 1995 in accordance with section 119.15,
30 Florida Statutes, and shall stand repealed on October 2, 2006,
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1 unless reviewed and saved from repeal through reenactment by
2 the Legislature.

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

1 the disclosure of information concerning clients served by the
2 Title IV-D cases when a protective order has been issued or
3 the Title IV-D agency has reason to believe that disclosure of
4 information may result in physical or emotional harm to the
5 client or child, and the Legislature wishes to extend similar
6 protections to the clients of non-Title IV-D county child
7 support enforcement agencies. Therefore, the Legislature
8 determines that any benefit that could occur from public
9 disclosure of the information concerning applicants for or
10 recipients of child support services from non-Title IV-D
11 county child support enforcement agencies is outweighed by the
12 risk of harm to the clients and their children and that there
13 is present need to exempt such information from disclosure
14 under the public-records laws of this state.

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

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