

By the Committee on Governmental Oversight and Productivity;  
and Senator Garcia

302-2021-02

1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.07, F.S.; providing an exemption from  
4           public records requirements for specified  
5           identifying information relating to the staff  
6           and certified volunteers of the child guardian  
7           ad litem programs and their spouses and  
8           children; providing for future review and  
9           repeal; providing a finding of public  
10          necessity; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Paragraph (i) of subsection (3) of section  
15 119.07, Florida Statutes, as amended by section 1 of chapter  
16 2001-364, Laws of Florida, is amended to read:

17           119.07 Inspection, examination, and duplication of  
18 records; exemptions.--

19           (3)

20           (i)1. The home addresses, telephone numbers, social  
21 security numbers, and photographs of active or former law  
22 enforcement personnel, including correctional and correctional  
23 probation officers, personnel of the Department of Children  
24 and Family Services whose duties include the investigation of  
25 abuse, neglect, exploitation, fraud, theft, or other criminal  
26 activities, personnel of the Department of Health whose duties  
27 are to support the investigation of child abuse or neglect,  
28 and personnel of the Department of Revenue or local  
29 governments whose responsibilities include revenue collection  
30 and enforcement or child support enforcement; the home  
31 addresses, telephone numbers, social security numbers,

1 photographs, and places of employment of the spouses and  
2 children of such personnel; and the names and locations of  
3 schools and day care facilities attended by the children of  
4 such personnel are exempt from the provisions of subsection  
5 (1). The home addresses, telephone numbers, and photographs of  
6 firefighters certified in compliance with s. 633.35; the home  
7 addresses, telephone numbers, photographs, and places of  
8 employment of the spouses and children of such firefighters;  
9 and the names and locations of schools and day care facilities  
10 attended by the children of such firefighters are exempt from  
11 subsection (1). The home addresses and telephone numbers of  
12 justices of the Supreme Court, district court of appeal  
13 judges, circuit court judges, and county court judges; the  
14 home addresses, telephone numbers, and places of employment of  
15 the spouses and children of justices and judges; and the names  
16 and locations of schools and day care facilities attended by  
17 the children of justices and judges are exempt from the  
18 provisions of subsection (1). The home addresses, telephone  
19 numbers, social security numbers, and photographs of current  
20 or former state attorneys, assistant state attorneys,  
21 statewide prosecutors, or assistant statewide prosecutors; the  
22 home addresses, telephone numbers, social security numbers,  
23 photographs, and places of employment of the spouses and  
24 children of current or former state attorneys, assistant state  
25 attorneys, statewide prosecutors, or assistant statewide  
26 prosecutors; and the names and locations of schools and day  
27 care facilities attended by the children of current or former  
28 state attorneys, assistant state attorneys, statewide  
29 prosecutors, or assistant statewide prosecutors are exempt  
30 from subsection (1) and s. 24(a), Art. I of the State  
31 Constitution.

1           2. The home addresses, telephone numbers, social  
2 security numbers, and photographs of current or former human  
3 resource, labor relations, or employee relations directors,  
4 assistant directors, managers, or assistant managers of any  
5 local government agency or water management district whose  
6 duties include hiring and firing employees, labor contract  
7 negotiation, administration, or other personnel-related  
8 duties; the names, home addresses, telephone numbers, social  
9 security numbers, photographs, and places of employment of the  
10 spouses and children of such personnel; and the names and  
11 locations of schools and day care facilities attended by the  
12 children of such personnel are exempt from subsection (1) and  
13 s. 24(a), Art. I of the State Constitution. This subparagraph  
14 is subject to the Open Government Sunset Review Act of 1995 in  
15 accordance with s. 119.15, and shall stand repealed on October  
16 2, 2006, unless reviewed and saved from repeal through  
17 reenactment by the Legislature.

18           3. The home addresses, telephone numbers, social  
19 security numbers, and photographs of current or former code  
20 enforcement officers; the names, home addresses, telephone  
21 numbers, social security numbers, photographs, and places of  
22 employment of the spouses and children of such persons; and  
23 the names and locations of schools and day care facilities  
24 attended by the children of such persons are exempt from  
25 subsection (1) and s. 24(a), Art. I of the State Constitution.  
26 This subparagraph is subject to the Open Government Sunset  
27 Review Act of 1995 in accordance with s. 119.15, and shall  
28 stand repealed on October 2, 2006, unless reviewed and saved  
29 from repeal through reenactment by the Legislature.

30           4. The home addresses, telephone numbers, social  
31 security numbers, and photographs of current or former staff

1 and certified volunteers, who perform the functions of a  
2 guardian ad litem, of the child guardian ad litem programs as  
3 identified in s. 39.821; the names, home addresses, telephone  
4 numbers, social security numbers, photographs, and places of  
5 employment of the spouses and children of such persons; and  
6 the names and locations of schools and day care facilities  
7 attended by the children of such persons are exempt from  
8 subsection (1) and s. 24(a), Art. I of the State Constitution.  
9 This subparagraph is subject to the Open Government Sunset  
10 Review Act of 1995 in accordance with s. 119.15 and shall  
11 stand repealed on October 2, 2007, unless reviewed and saved  
12 from repeal through reenactment by the Legislature.

13 ~~5.4.~~ An agency that is the custodian of the personal  
14 information specified in subparagraph 1., subparagraph 2., ~~or~~  
15 subparagraph 3., ~~or~~ subparagraph 4. and that is not the  
16 employer of the officer, employee, justice, judge, or other  
17 person specified in subparagraph 1., subparagraph 2., ~~or~~  
18 subparagraph 3., ~~or~~ subparagraph 4. shall maintain the  
19 confidentiality of the personal information only if the  
20 officer, employee, justice, judge, other person, or employing  
21 agency of the designated employee submits a written request  
22 for confidentiality to the custodial agency.

23 Section 2. The Legislature finds that the exemption  
24 from public records requirements provided by this act for  
25 identifying information relating to current and former staff  
26 and certified volunteers, who perform the functions of a  
27 guardian ad litem, of the child guardian ad litem programs as  
28 identified in s. 39.821, and such persons' spouses and  
29 children, is a public necessity because the availability of  
30 personal information regarding such persons could threaten  
31 their safety in that they would be vulnerable to threats,

1 harassment, intimidation, or the risk of personal injury. The  
2 duties of the staff and certified volunteers of the child  
3 guardian ad litem programs often require investigation,  
4 interviewing witnesses, viewing evidence, and reporting to the  
5 circuit court with respect to the best interest of a child  
6 where allegations of abuse or neglect, family disputes,  
7 termination of parental rights, and family criminal matters  
8 are involved. In the past, performance of these duties has  
9 resulted in threats to such staff and certified volunteers. In  
10 order to ensure the health and safety of such persons, the  
11 staff and certified volunteers of the child guardian ad litem  
12 programs should be afforded the same protection provided to  
13 those individuals identified in s. 119.07(3)(i)1., Florida  
14 Statutes, whose duties include investigation of child abuse  
15 and neglect or other criminal activities involving children.

16 Section 3. This act shall take effect July 1, 2002.

17  
18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19 COMMITTEE SUBSTITUTE FOR  
20 Senate Bill 1112

21 Clarifies that the exemption applies to certified volunteers  
22 who perform the functions of a guardian ad litem, and not  
volunteers who perform other functions.

23 Clarifies that the exemption extends to guardian ad litem  
24 programs identified in s. 39.821, F.S.