

A bill to be entitled

An act relating to a public records exemption for identifying information; amending s. 125.901, F.S.; providing that personal identifying information of a child or the child's parent or guardian held by a children's services council, juvenile welfare board, or other similar entity is exempt from the requirement that public records be open to inspection and duplication; providing for retroactive application; providing for future legislative review and repeal under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (11) is added to section 125.901, Florida Statutes, to read:

125.901 Children's services; independent special district; council; powers, duties, and functions.--

(11)(a) Personal identifying information concerning a child or the child's parent or guardian held by a children's services council, juvenile welfare board, or other similar entity created under this section or by special law, or held by a service provider or researcher under contract with such entity, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such personal identifying information held on, before, or after the effective date of this exemption.

(b) This subsection is subject to the Open Government

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30 Sunset Review Act of 1995 in accordance with s. 119.15, and
31 shall stand repealed on October 2, 2009, unless reviewed and
32 saved from repeal through reenactment by the Legislature.

33 Section 2. The Legislature finds, as a matter of public
34 necessity, that personal identifying information concerning a
35 child or the child's parent or guardian held by a children's
36 services council, juvenile welfare board, or other similar
37 entity created under s. 125.901, Florida Statutes, or by special
38 law, or held by a service provider or researcher under contract
39 with such entity, must be exempt from s. 119.07(1), Florida
40 Statutes, and s. 24(a), Art. I of the State Constitution. The
41 Legislature finds that public availability of information that
42 directly reveals the identity of a child, or that indirectly
43 identifies the child through the identification of the child's
44 parent or guardian, would be contrary to the state's compelling
45 interest in protecting the public safety. The Legislature finds
46 that it is necessary to exempt such personal identifying
47 information so that such information cannot be used to
48 facilitate stalking, harassment, abduction, or abuse of any
49 child who is the subject of such information. The Legislature
50 finds that this interest outweighs any public benefit derived
51 from releasing such identifying information. The Legislature
52 further finds that nonidentifying information regarding services
53 provided to, or research concerning, children shall not be
54 exempted from disclosure by this act.

55 Section 3. This act shall take effect July 1, 2004.
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