

By the Committee on Commerce, Economic Opportunities, and
Consumer Services

310-1026A-04

1 A bill to be entitled
2 An act relating to public records; amending ss.
3 39.201, 39.202, and 119.07, F.S.; conforming
4 public records exemptions to revised
5 definitions governing child development
6 programs and providers; specifying that the
7 names of child development personnel provided
8 to central abuse hotline staff for purposes of
9 reporting child abuse, abandonment, or neglect
10 are confidential; providing that access to
11 records of licensure or approval of certain
12 child development providers may be provided to
13 specified employees, agents, or contractors of
14 the Department of Children and Family Services,
15 the Department of Health, or specified county
16 agencies; providing that the names and
17 locations of child development providers
18 attended by children of certain active or
19 former public officers and employees are
20 confidential; transferring, renumbering, and
21 amending s. 411.011, F.S.; extending an
22 exemption from public records requirements
23 provided for school readiness records to
24 records in certain child development programs,
25 including the voluntary universal
26 prekindergarten education program; extending
27 the exemption to records held by child
28 development providers and certain contractors
29 of school readiness coalitions; providing for
30 future review and repeal; extending the review
31 and repeal date of the public records exemption

1 for school readiness records; providing a
2 statement of public necessity; providing a
3 contingent effective date.

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

6
7 Section 1. Paragraph (b) of subsection (1) of section
8 39.201, Florida Statutes, is amended to read:

9 39.201 Mandatory reports of child abuse, abandonment,
10 or neglect; mandatory reports of death; central abuse
11 hotline.--

12 (1)

13 (b) Reporters in the following occupation categories
14 are required to provide their names to the hotline staff:

15 1. Physician, osteopathic physician, medical examiner,
16 chiropractic physician, nurse, or hospital personnel engaged
17 in the admission, examination, care, or treatment of persons;

18 2. Health or mental health professional other than one
19 listed in subparagraph 1.;

20 3. Practitioner who relies solely on spiritual means
21 for healing;

22 4. School teacher or other school official or
23 personnel;

24 5. Social worker, child development personnel as
25 defined in s. 432.01 ~~day care center worker~~, or other
26 professional ~~child care~~, foster care, residential, or
27 institutional worker;

28 6. Law enforcement officer; or

29 7. Judge.
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1 The names of reporters shall be entered into the record of the
2 report, but shall be held confidential and exempt as provided
3 in s. 39.202.

4 Section 2. Paragraph (a) of subsection (2) of section
5 39.202, Florida Statutes, is amended to read:

6 39.202 Confidentiality of reports and records in cases
7 of child abuse or neglect.--

8 (2) Except as provided in subsection (4), access to
9 such records, excluding the name of the reporter which shall
10 be released only as provided in subsection (5), shall be
11 granted only to the following persons, officials, and
12 agencies:

13 (a) Employees, authorized agents, or contract
14 providers of the department, the Department of Health, or
15 county agencies responsible for carrying out:

- 16 1. Child or adult protective investigations;
- 17 2. Ongoing child or adult protective services;
- 18 3. Healthy Start services; ~~or~~
- 19 4. Licensure or approval of adoptive homes, foster
20 homes, ~~or~~ child care centers, specialized child care centers
21 for mildly ill children facilities, large family child care
22 homes, or family child day care homes, or informal child care
23 providers of unregulated child development services which ~~who~~
24 receive school readiness funds subsidized child care funding,
25 or other homes used to provide for the care and welfare of
26 children; or-
- 27 5. Services for victims of domestic violence when
28 provided by certified domestic violence centers working at the
29 department's request as case consultants or with shared
30 clients.

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1 Also, employees or agents of the Department of Juvenile
2 Justice responsible for the provision of services to children,
3 under ~~pursuant to~~ chapters 984 and 985.

4 Section 3. Paragraph (i) of subsection (3) of section
5 119.07, Florida Statutes, is amended to read:

6 119.07 Inspection, examination, and duplication of
7 records; exemptions.--

8 (3)

9 (i)1. The home addresses, telephone numbers, social
10 security numbers, and photographs of active or former law
11 enforcement personnel, including correctional and correctional
12 probation officers, personnel of the Department of Children
13 and Family Services whose duties include the investigation of
14 abuse, neglect, exploitation, fraud, theft, or other criminal
15 activities, personnel of the Department of Health whose duties
16 are to support the investigation of child abuse or neglect,
17 and personnel of the Department of Revenue or local
18 governments whose responsibilities include revenue collection
19 and enforcement or child support enforcement; the home
20 addresses, telephone numbers, social security numbers,
21 photographs, and places of employment of the spouses and
22 children of such personnel; and the names and locations of
23 schools and child development providers as defined in s.
24 432.01 which are ~~day care facilities~~ attended by the children
25 of such personnel are exempt from the provisions of subsection
26 (1). The home addresses, telephone numbers, and photographs of
27 firefighters certified in compliance with s. 633.35; the home
28 addresses, telephone numbers, photographs, and places of
29 employment of the spouses and children of such firefighters;
30 and the names and locations of schools and child development
31 providers as defined in s. 432.01 which are ~~day care~~

1 ~~facilities~~ attended by the children of such firefighters are
2 exempt from subsection (1). The home addresses and telephone
3 numbers of justices of the Supreme Court, district court of
4 appeal judges, circuit court judges, and county court judges;
5 the home addresses, telephone numbers, and places of
6 employment of the spouses and children of justices and judges;
7 and the names and locations of schools and child development
8 providers as defined in s. 432.01 which are ~~day care~~
9 ~~facilities~~ attended by the children of justices and judges are
10 exempt from the provisions of subsection (1). The home
11 addresses, telephone numbers, social security numbers, and
12 photographs of current or former state attorneys, assistant
13 state attorneys, statewide prosecutors, or assistant statewide
14 prosecutors; the home addresses, telephone numbers, social
15 security numbers, photographs, and places of employment of the
16 spouses and children of current or former state attorneys,
17 assistant state attorneys, statewide prosecutors, or assistant
18 statewide prosecutors; and the names and locations of schools
19 and child development providers as defined in s. 432.01 which
20 are ~~day care facilities~~ attended by the children of current or
21 former state attorneys, assistant state attorneys, statewide
22 prosecutors, or assistant statewide prosecutors are exempt
23 from subsection (1) and s. 24(a), Art. I of the State
24 Constitution.

25 2. The home addresses, telephone numbers, social
26 security numbers, and photographs of current or former human
27 resource, labor relations, or employee relations directors,
28 assistant directors, managers, or assistant managers of any
29 local government agency or water management district whose
30 duties include hiring and firing employees, labor contract
31 negotiation, administration, or other personnel-related

1 duties; the names, home addresses, telephone numbers, social
2 security numbers, photographs, and places of employment of the
3 spouses and children of the such personnel; and the names and
4 locations of schools and child development providers as
5 defined in s. 432.01 which are ~~day care facilities~~ attended by
6 the children of the such personnel are exempt from subsection
7 (1) and s. 24(a), Art. I of the State Constitution. This
8 subparagraph is subject to the Open Government Sunset Review
9 Act of 1995 in accordance with s. 119.15, and shall stand
10 repealed on October 2, 2006, unless reviewed and saved from
11 repeal through reenactment by the Legislature.

12 3. The home addresses, telephone numbers, social
13 security numbers, and photographs of current or former code
14 enforcement officers; the names, home addresses, telephone
15 numbers, social security numbers, photographs, and places of
16 employment of the spouses and children of these such persons;
17 and the names and locations of schools and child development
18 providers as defined in s. 432.01 which are ~~day care~~
19 facilities attended by the children of these such persons are
20 exempt from subsection (1) and s. 24(a), Art. I of the State
21 Constitution. This subparagraph is subject to the Open
22 Government Sunset Review Act of 1995 in accordance with s.
23 119.15, and shall stand repealed on October 2, 2006, unless
24 reviewed and saved from repeal through reenactment by the
25 Legislature.

26 4. An agency that is the custodian of the personal
27 information specified in subparagraph 1., subparagraph 2., or
28 subparagraph 3. and that is not the employer of the officer,
29 employee, justice, judge, or other person specified in
30 subparagraph 1., subparagraph 2., or subparagraph 3. shall
31 maintain the confidentiality of the personal information only

1 if the officer, employee, justice, judge, other person, or
2 employing agency of the designated employee submits a written
3 request for confidentiality to the custodial agency.

4 Section 4. Section 411.011, Florida Statutes, is
5 transferred, renumbered as section 432.34, Florida Statutes,
6 and amended to read:

7 432.34 ~~411.011~~ Records of children in child
8 development ~~school readiness~~ programs.--

9 (1) The individual records of children enrolled in
10 child development ~~school readiness~~ programs provided under
11 this part, including the voluntary universal prekindergarten
12 education program and each coalition's school readiness
13 program s. 411.01, when held in the possession of the school
14 readiness coalition or the Florida Partnership for School
15 Readiness, are confidential and exempt from the provisions of
16 s. 119.07 and s. 24(a), Art. I of the State Constitution when
17 held by any of the following entities:-

18 (a) The Florida Partnership for School Readiness.

19 (b) A school readiness coalition established under s.
20 432.05.

21 (c) The fiscal agent of a school readiness coalition
22 which is designated under s. 432.07.

23 (d) A central agency or other qualified entity
24 performing duties assigned to a school readiness coalition
25 which are performed under contract with the coalition pursuant
26 to s. 432.09.

27 (2) For the purposes of this section, records include
28 assessment data, health data, records of teacher observations,
29 and identifying data, including the child's social security
30 number. A parent, guardian, or individual acting as a parent
31 in the absence of a parent or guardian has the right to

1 inspect and review the individual child development ~~school~~
2 ~~readiness~~ program record of his or her child and to obtain a
3 copy of the record.

4 (3) If a court determines that a child development
5 provider is acting on behalf of an agency such that the
6 provider is subject to s. 24(a), Art. I of the State
7 Constitution and s. 119.07(1), the exemptions from the public
8 records requirements which are provided by this section shall
9 apply to the same records when held by the child development
10 provider.

11 (4) Child Development ~~School-readiness~~ records may be
12 released:

13 (a) To the United States Secretary of Education, the
14 United States Secretary of Health and Human Services, and the
15 Comptroller General of the United States for the purpose of
16 federal audits;

17 (b) To individuals or organizations conducting studies
18 for institutions to develop, validate, or administer
19 assessments or improve instruction;

20 (c) To accrediting organizations in order to carry out
21 their accrediting functions;

22 (d) To appropriate parties in connection with an
23 emergency if the information is necessary to protect the
24 health or safety of the child ~~student~~ or other individuals;

25 (e) To the Auditor General in connection with his or
26 her official functions;

27 (f) To a court of competent jurisdiction in compliance
28 with an order of that court under ~~pursuant to~~ a lawfully
29 issued subpoena; and

30 (g) To parties to an interagency agreement among
31 school readiness coalitions, local governmental agencies,

1 child development providers ~~of school readiness programs~~,
2 state agencies, and the Florida Partnership for School
3 Readiness for the purpose of administering ~~implementing~~ the
4 child development programs ~~school readiness program~~.

5 (5) Agencies, organizations, or individuals that
6 receive child development ~~school readiness~~ records in order to
7 carry out their official functions must protect the data in a
8 manner that will not permit the personal identification of the
9 children or students ~~and~~ their parents by persons other than
10 those authorized to receive the records.

11 (6) This section is subject to the Open Government
12 Sunset Review Act of 1995 in accordance with s. 119.15 and
13 shall stand repealed on October 2, 2009 ~~2005~~, unless reviewed
14 and saved from repeal through reenactment by the Legislature.

15 Section 5. (1) The Legislature finds that it is a
16 public necessity to maintain records of reports of child
17 abuse, abandonment, and neglect, including the names of child
18 development personnel who report such abuse, abandonment, or
19 neglect to central abuse hotline staff. The Legislature
20 further finds that it is a public necessity to keep the names
21 of these child development personnel confidential and exempt
22 from public disclosure in order to prevent the abuse,
23 abandonment, or neglect of children by limiting any
24 apprehension held by child development personnel which would
25 reduce the number of child development personnel who report
26 such abuse, abandonment, or neglect for fear those reports and
27 their names may be disclosed to the public.

28 (2) The Legislature finds that it is a public
29 necessity that access by employees, agents, or contractors of
30 the Department of Children and Family Services, the Department
31 of Health, and county agencies who license or approve child

1 development providers to reports and records of child abuse
2 and neglect be limited to the reports and records required for
3 the licensure or approval of those providers in order to
4 minimize the risk of unauthorized release of these records
5 which otherwise would reduce the number of persons who report
6 such abuse or neglect for fear those reports and records may
7 be disclosed to the public.

8 (3) The Legislature finds that it is a public
9 necessity to protect the safety of the families of the active
10 and former public officers and employees described in this act
11 by ensuring that the names and locations of the child
12 development providers attended by children of these officers
13 and employees be kept confidential and exempt from public
14 disclosure in order to limit the opportunity of an attack
15 against these families which would be increased if the names
16 and locations of these child development providers were
17 disclosed to the public.

18 (4) The Legislature finds that the content of child
19 development records kept on children in state-funded child
20 development programs is substantially similar to the content
21 of educational records for which a student has a right of
22 privacy under federal law and section 1002.22(3)(d), Florida
23 Statutes. The Legislature further finds it is a public
24 necessity to ensure the privacy of individual children
25 enrolled in these child development programs, including the
26 voluntary universal prekindergarten education program and the
27 school readiness programs, by keeping the records of these
28 programs confidential and exempt from public disclosure,
29 whether these records are held by the Florida Partnership for
30 School Readiness, a school readiness coalition, a coalition's
31 fiscal agent, a central agency or other qualified entity

1 performing duties under contract with a coalition, or a child
2 development provider.

3 Section 6. This act shall take effect on the same date
4 that Senate Bill ____ or similar legislation takes effect, if
5 such legislation is enacted in the same legislative session,
6 or an extension thereof, and becomes a law.

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9 SENATE SUMMARY

10 Conforms public records exemptions to revised definitions
11 governing child development programs and providers.
12 Specifies that the names of child development personnel
13 given to central abuse hotline staff for purposes of
14 reporting child abuse are confidential. Provides that
15 access to records of licensure or approval of certain
16 child development providers may be provided to specified
17 persons and agencies. Provides that the names and
18 locations of child development providers attended by
19 children of certain active or former public officers and
20 employees are confidential. Extends an exemption from
21 public records requirements provided for school readiness
22 records to records in certain child development programs.
23 Extends the exemption from disclosure to records held by
24 child development providers and certain contractors of
25 school readiness coalitions. Provides for future review
26 and repeal. Provides a statement of public necessity.
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