

By Senator Atwater

25-1393A-04

See HB

1 A bill to be entitled
2 An act relating to a public records exemption
3 for identifying information; amending s.
4 119.07, F.S.; providing that certain
5 information which would reveal the identity of
6 a child is confidential and exempt from the
7 requirement that public records be open to
8 inspection, examination, and duplication;
9 providing for future repeal and legislative
10 review under the Open Government Sunset Review
11 Act of 1995; providing a statement of public
12 necessity; providing an effective date.

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

16 Section 1. Paragraph (hh) is added to subsection (3)
17 of section 119.07, Florida Statutes, to read:

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

20 (3)

21 (hh) Any information provided to a children's services
22 council, juvenile welfare board, or other similarly named
23 entity created under s. 125.901 or by special law regarding
24 the provision of services to, or research concerning, children
25 that reveals the identity of any child is confidential and
26 exempt from subsection (1) and s. 24(a), Art. I of the State
27 Constitution. For purposes of this paragraph, information that
28 reveals the identity of a child includes names, addresses,
29 telephone numbers, social security numbers, photographs, or
30 any other information that would identify, or reasonably lead
31 to the identification of, any child, either directly or

1 through the identification of the parent or guardian of the
2 child. This paragraph is subject to the Open Government Sunset
3 Review Act of 1995 in accordance with s. 119.15, and shall
4 stand repealed on October 2, 2009, unless reviewed and saved
5 from repeal through reenactment by the Legislature.

6 Section 2. The Legislature finds, as a matter of
7 public necessity, that any information provided to a
8 children's services council, juvenile welfare board, or other
9 similarly named entity regarding the provision of services to,
10 or research concerning, children which reveals the identity of
11 any child must be held confidential and exempt from section
12 119.07(1), Florida Statutes, and Section 24(a), Article I of
13 the State Constitution. The Legislature finds that public
14 disclosure, examination, inspection, or duplication of such
15 information that reveals the identity of a child, including
16 names, addresses, telephone numbers, social security numbers,
17 photographs, or any other information that would identify, or
18 reasonably lead to the identification of, any child, either
19 directly or through the identification of the parent or
20 guardian of the child, would be contrary to the state's
21 compelling interest in protecting the public safety. The
22 Legislature finds that it is necessary to provide confidential
23 and exempt status for such information in order to minimize
24 any opportunity for the use of such information to facilitate
25 stalking, harassment, abduction, or abuse of any child who is
26 the subject of such information. The Legislature finds that
27 this interest outweighs any public benefit derived from
28 releasing such identifying information. The Legislature
29 further finds that nonidentifying information regarding
30 services provided to, or research concerning, children shall
31 not be exempted from disclosure by this act.

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