

By the Committee on Children and Families; and Senator Atwater

300-2315-04

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 exempt from the requirement that
7 public records be open to inspection,
8 examination, and duplication; providing for
9 future repeal and legislative review under the
10 Open Government Sunset Review Act of 1995;
11 providing a statement of public necessity;
12 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 or other similarly named entity created under s.
23 125.901, to the children's services council created under
24 chapter 2000-461, Laws of Florida, or to the Juvenile Welfare
25 Board of Pinellas County codified under chapter 2003-320, Laws
26 of Florida, or to their service provider or researcher as part
27 of a contract with such a council, board, or similarly named
28 entity, regarding the provision of services to, or research
29 concerning, children which reveals the identity of any child
30 is exempt from subsection (1) and s. 24(a), Art. I of the
31 State Constitution. For the purposes of this paragraph,

1 information that reveals the identity of a child includes the
2 name, address, telephone number, social security number, or
3 photograph of the child or of the parent or legal guardian of
4 the child and any other information that would identify or
5 reasonably lead to the identification of any child, either
6 directly or indirectly, including through the identification
7 of the parent or guardian of the child. This paragraph is
8 subject to the Open Government Sunset Review Act of 1995 in
9 accordance with s. 119.15, and shall stand repealed on October
10 2, 2009, unless reviewed and saved from repeal through
11 reenactment by the Legislature.

12 Section 2. The Legislature finds, as a matter of
13 public necessity, that any information provided to a
14 children's services council, juvenile welfare board, other
15 similarly named entity, or their contracted service provider
16 or researcher regarding the provision of services to, or
17 research concerning, children which reveals the identity of
18 any child must be held exempt from section 119.07(1), Florida
19 Statutes, and Section 24(a), Article I of the State
20 Constitution. The Legislature finds that public disclosure,
21 examination, inspection, or duplication of such information
22 that reveals the identity of a child, including names,
23 addresses, telephone numbers, social security numbers,
24 photographs, or any other information that would identify, or
25 reasonably lead to the identification of, any child, either
26 directly or through the identification of the parent or
27 guardian of the child, would be contrary to the state's
28 compelling interest in protecting the public safety. The
29 Legislature finds that it is necessary to provide for the
30 exempt status for such information in order to minimize any
31 opportunity for the use of such information to facilitate

1 stalking, harassment, abduction, or abuse of any child who is
2 the subject of such information. The Legislature finds that
3 this interest outweighs any public benefit derived from
4 releasing such identifying information. The Legislature
5 further finds that nonidentifying information regarding
6 services provided to, or research concerning, children shall
7 not be exempted from disclosure by this act.

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 2704

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14 - Removes the confidentiality of the records that was
provided by the bill.
15 - Identifies the specific children's services councils to
16 which the public records exemption applies.
17 - Adds the service providers and researchers that the
18 children's services councils would contract with to those
entities to which the public records exemption applies.
19 - Specifies that the names, addresses, telephone numbers,
20 social security numbers, and photographs that are exempt
from public disclosure are those of the child, parent,
and legal guardian.
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