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2 An act relating to public-records exemptions;
3 amending s. 39.202, F.S.; creating an exception
4 to the exemption from public-records
5 requirements for all records held by the
6 Department of Children and Family Services
7 concerning reports of child abandonment, abuse,
8 or neglect; amending s. 39.0132, F.S.; creating
9 an exemption from public-records requirements
10 for information obtained by a guardian ad litem
11 in the discharge of his or her official duty;
12 providing an exception to the exemption;
13 providing for review and repeal under the Open
14 Government Sunset Review Act; providing a
15 statement of public necessity; amending s.
16 119.07, F.S.; creating an exemption from
17 public-records requirements for certain
18 identification and location information
19 regarding a current or former guardian ad litem
20 or the spouse and children of the guardian ad
21 litem; providing for review and repeal under
22 the Open Government Sunset Review Act;
23 providing a statement of public necessity;
24 providing an effective date.

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

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28 Section 1. Paragraph (q) is added to subsection (2) of
29 section 39.202, Florida Statutes, and subsections (4) and (5)
30 of that section are republished, to read:
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1 39.202 Confidentiality of reports and records in cases
2 of child abuse or neglect.--

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

8 (g) The executive director or equivalent, and his or
9 her designee, of a children's advocacy center that is
10 established and operated under s. 39.3035.

11 (4) Notwithstanding any other provision of law, when a
12 child under investigation or supervision of the department or
13 its contracted service providers is determined to be missing,
14 the following shall apply:

15 (a) The department may release the following
16 information to the public when it believes the release of the
17 information is likely to assist efforts in locating the child
18 or to promote the safety or well-being of the child:

19 1. The name of the child and the child's date of
20 birth;

21 2. A physical description of the child, including at a
22 minimum the height, weight, hair color, eye color, gender, and
23 any identifying physical characteristics of the child; and

24 3. A photograph of the child.

25 (b) With the concurrence of the law enforcement agency
26 primarily responsible for investigating the incident, the
27 department may release any additional information it believes
28 likely to assist efforts in locating the child or to promote
29 the safety or well-being of the child.

30 (c) The law enforcement agency primarily responsible
31 for investigating the incident may release any information

1 received from the department regarding the investigation, if
2 it believes the release of the information is likely to assist
3 efforts in locating the child or to promote the safety or
4 well-being of the child.

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6 The good faith publication or release of this information by
7 the department, a law enforcement agency, or any recipient of
8 the information as specifically authorized by this subsection
9 shall not subject the person, agency or entity releasing the
10 information to any civil or criminal penalty. This subsection
11 does not authorize the release of the name of the reporter,
12 which may be released only as provided in subsection (5).

13 (5) The name of any person reporting child abuse,
14 abandonment, or neglect may not be released to any person
15 other than employees of the department responsible for child
16 protective services, the central abuse hotline, law
17 enforcement, the child protection team, or the appropriate
18 state attorney, without the written consent of the person
19 reporting. This does not prohibit the subpoenaing of a person
20 reporting child abuse, abandonment, or neglect when deemed
21 necessary by the court, the state attorney, or the department,
22 provided the fact that such person made the report is not
23 disclosed. Any person who reports a case of child abuse or
24 neglect may, at the time he or she makes the report, request
25 that the department notify him or her that a child protective
26 investigation occurred as a result of the report. Any person
27 specifically listed in s. 39.201(1) who makes a report in his
28 or her official capacity may also request a written summary of
29 the outcome of the investigation. The department shall mail
30 such a notice to the reporter within 10 days after completing
31 the child protective investigation.

1 Section 2. Subsection (4) of section 39.0132, Florida
2 Statutes, is amended to read:

3 39.0132 Oaths, records, and confidential
4 information.--

5 (4)(a)1. All information obtained pursuant to this
6 part in the discharge of official duty by any judge, employee
7 of the court, authorized agent of the department, correctional
8 probation officer, or law enforcement agent is confidential
9 and exempt from s. 119.07(1) and may not be disclosed to
10 anyone other than the authorized personnel of the court, the
11 department and its designees, correctional probation officers,
12 law enforcement agents, guardian ad litem, and others entitled
13 under this chapter to receive that information, except upon
14 order of the court.

15 2. Any information related to the best interests of a
16 child, as determined by a guardian ad litem, which is held by
17 a guardian ad litem, including but not limited to medical,
18 mental health, substance abuse, child care, education, law
19 enforcement, court, social services, and financial records;
20 and any other information maintained by a guardian ad litem
21 which is identified as confidential information under this
22 chapter; is confidential and exempt from s. 119.07(1) and s.
23 24(a), Art. I of the State Constitution. Such confidential and
24 exempt information may not be disclosed to anyone other than
25 the authorized personnel of the court, the department and its
26 designees, correctional probation officers, law enforcement
27 agents, guardians ad litem, and others entitled under this
28 chapter to receive that information, except upon order of the
29 court. This subparagraph is subject to the Open Government
30 Sunset Review Act of 1995 in accordance with s. 119.15, and
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1 shall stand repealed on October 2, 2010, unless reviewed and
2 saved from repeal through reenactment by the Legislature.

3 (b) The department shall disclose to the school
4 superintendent the presence of any child in the care and
5 custody or under the jurisdiction or supervision of the
6 department who has a known history of criminal sexual behavior
7 with other juveniles; is an alleged juvenile sex offender, as
8 defined in s. 39.01; or has pled guilty or nolo contendere to,
9 or has been found to have committed, a violation of chapter
10 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133,
11 regardless of adjudication. Any employee of a district school
12 board who knowingly and willfully discloses such information
13 to an unauthorized person commits a misdemeanor of the second
14 degree, punishable as provided in s. 775.082 or s. 775.083.

15 Section 3. The Legislature finds that it is a public
16 necessity that information obtained by a guardian ad litem in
17 discharging duties with respect to proceedings relating to
18 children should be made confidential and exempt from
19 public-records requirements. The Legislature finds that the
20 information obtained by a guardian ad litem in ensuring the
21 care, safety, and protection of children is sensitive and
22 personal to the child and his or her family and that release
23 of this information could expose the child to harm or injure
24 the reputation of the child or the child's family. Providing
25 confidential and exempt status to the information obtained by
26 a guardian ad litem will facilitate the ability of the
27 guardian ad litem to represent the best interests of the child
28 in legal proceedings and thereby fulfill the purpose and
29 administration of the guardian ad litem program.

30 Section 4. Paragraph (i) of subsection (6) of section
31 119.07, Florida Statutes, is amended to read:

1 119.07 Inspection and copying of records;
2 photographing public records; fees; exemptions.--
3 (6)
4 (i)1. The home addresses, telephone numbers, social
5 security numbers, and photographs of active or former law
6 enforcement personnel, including correctional and correctional
7 probation officers, personnel of the Department of Children
8 and Family Services whose duties include the investigation of
9 abuse, neglect, exploitation, fraud, theft, or other criminal
10 activities, personnel of the Department of Health whose duties
11 are to support the investigation of child abuse or neglect,
12 and personnel of the Department of Revenue or local
13 governments whose responsibilities include revenue collection
14 and enforcement or child support enforcement; the home
15 addresses, telephone numbers, social security numbers,
16 photographs, and places of employment of the spouses and
17 children of such personnel; and the names and locations of
18 schools and day care facilities attended by the children of
19 such personnel are exempt from the provisions of subsection
20 (1). The home addresses, telephone numbers, and photographs of
21 firefighters certified in compliance with s. 633.35; the home
22 addresses, telephone numbers, photographs, and places of
23 employment of the spouses and children of such firefighters;
24 and the names and locations of schools and day care facilities
25 attended by the children of such firefighters are exempt from
26 subsection (1). The home addresses and telephone numbers of
27 justices of the Supreme Court, district court of appeal
28 judges, circuit court judges, and county court judges; the
29 home addresses, telephone numbers, and places of employment of
30 the spouses and children of justices and judges; and the names
31 and locations of schools and day care facilities attended by

1 the children of justices and judges are exempt from the
2 provisions of subsection (1). The home addresses, telephone
3 numbers, social security numbers, and photographs of current
4 or former state attorneys, assistant state attorneys,
5 statewide prosecutors, or assistant statewide prosecutors; the
6 home addresses, telephone numbers, social security numbers,
7 photographs, and places of employment of the spouses and
8 children of current or former state attorneys, assistant state
9 attorneys, statewide prosecutors, or assistant statewide
10 prosecutors; and the names and locations of schools and day
11 care facilities attended by the children of current or former
12 state attorneys, assistant state attorneys, statewide
13 prosecutors, or assistant statewide prosecutors are exempt
14 from subsection (1) and s. 24(a), Art. I of the State
15 Constitution.

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

3 3. The home addresses, telephone numbers, social
4 security numbers, and photographs of current or former United
5 States attorneys and assistant United States attorneys; the
6 home addresses, telephone numbers, social security numbers,
7 photographs, and places of employment of the spouses and
8 children of current or former United States attorneys and
9 assistant United States attorneys; and the names and locations
10 of schools and day care facilities attended by the children of
11 current or former United States attorneys and assistant United
12 States attorneys are exempt from subsection (1) and s. 24(a),
13 Art. I of the State Constitution. This subparagraph is subject
14 to the Open Government Sunset Review Act of 1995 in accordance
15 with s. 119.15 and shall stand repealed on October 2, 2009,
16 unless reviewed and saved from repeal through reenactment by
17 the Legislature.

18 4. The home addresses, telephone numbers, social
19 security numbers, and photographs of current or former judges
20 of United States Courts of Appeal, United States district
21 judges, and United States magistrate judges; the home
22 addresses, telephone numbers, social security numbers,
23 photographs, and places of employment of the spouses and
24 children of current or former judges of United States Courts
25 of Appeal, United States district judges, and United States
26 magistrate judges; and the names and locations of schools and
27 day care facilities attended by the children of current or
28 former judges of United States Courts of Appeal, United States
29 district judges, and United States magistrate judges are
30 exempt from subsection (1) and s. 24(a), Art. I of the State
31 Constitution. This subparagraph is subject to the Open

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

5 5. The home addresses, telephone numbers, social
6 security numbers, and photographs of current or former code
7 enforcement officers; the names, home addresses, telephone
8 numbers, social security numbers, photographs, and places of
9 employment of the spouses and children of such persons; and
10 the names and locations of schools and day care facilities
11 attended by the children of such persons are exempt from
12 subsection (1) and s. 24(a), Art. I of the State Constitution.
13 This subparagraph is subject to the Open Government Sunset
14 Review Act of 1995 in accordance with s. 119.15, and shall
15 stand repealed on October 2, 2006, unless reviewed and saved
16 from repeal through reenactment by the Legislature.

17 6. The home addresses, telephone numbers, places of
18 employment, and photographs of current or former guardians ad
19 litem, as defined in s. 39.820, and the names, home addresses,
20 telephone numbers, and places of employment of the spouses and
21 children of such persons, are exempt from subsection (1) and
22 s. 24(a), Art. I of the State Constitution, if the guardian ad
23 litem provides a written statement that the guardian ad litem
24 has made reasonable efforts to protect such information from
25 being accessible through other means available to the public.
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, 2010, unless reviewed and saved
29 from repeal through reenactment by the Legislature.

30 7. An agency that is the custodian of the personal
31 information specified in subparagraph 1., subparagraph 2.,

1 | subparagraph 3., subparagraph 4., ~~or~~ subparagraph 5., or
2 | subparagraph 6., and that is not the employer of the officer,
3 | employee, justice, judge, or other person specified in
4 | subparagraph 1., subparagraph 2., subparagraph 3.,
5 | subparagraph 4., ~~or~~ subparagraph 5., or subparagraph 6., shall
6 | maintain the exempt status of the personal information only if
7 | the officer, employee, justice, judge, other person, or
8 | employing agency of the designated employee submits a written
9 | request for maintenance of the exemption to the custodial
10 | agency.

11 | Section 5. The Legislature finds that it is a public
12 | necessity that home addresses, telephone numbers, places of
13 | employment, and photographs of current or former guardians ad
14 | litem, and the names, home addresses, telephone numbers, and
15 | places of employment of the spouses and children of such
16 | persons, be made exempt from public-records requirements.
17 | Guardians ad litem provide a valuable service to the
18 | community. They interact with victims of child abuse and
19 | neglect and, at times, the perpetrators of that abuse or
20 | neglect. The capacity in which they work or volunteer their
21 | time does not always create good will. Different persons may
22 | be disgruntled with the testimony, report, or recommendation
23 | made by guardians ad litem. The testimony of guardians ad
24 | litem could create a safety risk. Thus, the guardians ad
25 | litem, or the spouses and children of guardians ad litem,
26 | could become a potential target for acts of revenge. If the
27 | information specified in this act remains available, the
28 | safety and welfare of guardians ad litem, and their spouses
29 | and children, could be seriously jeopardized. Accordingly, it
30 | is a public necessity that identifying and location
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1 information of guardians ad litem, and their spouses and
2 children, be made exempt from public disclosure.

3 Section 6. This act shall take effect October 1, 2005.
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