

Bill No. SB 1320

Barcode 844570

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Crist) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.--

(4) AGENCY PERSONNEL INFORMATION.--

(d)1. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local

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1 governments whose responsibilities include revenue collection  
2 and enforcement or child support enforcement; the home  
3 addresses, telephone numbers, social security numbers,  
4 photographs, and places of employment of the spouses and  
5 children of such personnel; and the names and locations of  
6 schools and day care facilities attended by the children of  
7 such personnel are exempt from s. 119.07(1). The home  
8 addresses, telephone numbers, and photographs of firefighters  
9 certified in compliance with s. 633.35; the home addresses,  
10 telephone numbers, photographs, and places of employment of  
11 the spouses and children of such firefighters; and the names  
12 and locations of schools and day care facilities attended by  
13 the children of such firefighters are exempt from s.  
14 119.07(1). The home addresses and telephone numbers of  
15 justices of the Supreme Court, district court of appeal  
16 judges, circuit court judges, and county court judges; the  
17 home addresses, telephone numbers, and places of employment of  
18 the spouses and children of justices and judges; and the names  
19 and locations of schools and day care facilities attended by  
20 the children of justices and judges are exempt from s.  
21 119.07(1). The home addresses, telephone numbers, social  
22 security numbers, and photographs of current or former state  
23 attorneys, assistant state attorneys, statewide prosecutors,  
24 or assistant statewide prosecutors; the home addresses,  
25 telephone numbers, social security numbers, photographs, and  
26 places of employment of the spouses and children of current or  
27 former state attorneys, assistant state attorneys, statewide  
28 prosecutors, or assistant statewide prosecutors; and the names  
29 and locations of schools and day care facilities attended by  
30 the children of current or former state attorneys, assistant  
31 state attorneys, statewide prosecutors, or assistant statewide

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1 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I  
2 of the State Constitution.

3           2. The home addresses, telephone numbers, social  
4 security numbers, and photographs of current or former human  
5 resource, labor relations, or employee relations directors,  
6 assistant directors, managers, or assistant managers of any  
7 local government agency or water management district whose  
8 duties include hiring and firing employees, labor contract  
9 negotiation, administration, or other personnel-related  
10 duties; the names, home addresses, telephone numbers, social  
11 security numbers, photographs, and places of employment of the  
12 spouses and children of such personnel; and the names and  
13 locations of schools and day care facilities attended by the  
14 children of such personnel are exempt from s. 119.07(1) and s.  
15 24(a), Art. I of the State Constitution. This subparagraph is  
16 subject to the Open Government Sunset Review Act in accordance  
17 with s. 119.15 and shall stand repealed on October 2, 2006,  
18 unless reviewed and saved from repeal through reenactment by  
19 the Legislature.

20           3. The home addresses, telephone numbers, social  
21 security numbers, and photographs of current or former United  
22 States attorneys and assistant United States attorneys; the  
23 home addresses, telephone numbers, social security numbers,  
24 photographs, and places of employment of the spouses and  
25 children of current or former United States attorneys and  
26 assistant United States attorneys; and the names and locations  
27 of schools and day care facilities attended by the children of  
28 current or former United States attorneys and assistant United  
29 States attorneys are exempt from s. 119.07(1) and s. 24(a),  
30 Art. I of the State Constitution. This subparagraph is subject  
31 to the Open Government Sunset Review Act in accordance with s.

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1 119.15 and shall stand repealed on October 2, 2009, unless  
2 reviewed and saved from repeal through reenactment by the  
3 Legislature.

4           4. The home addresses, telephone numbers, social  
5 security numbers, and photographs of current or former judges  
6 of United States Courts of Appeal, United States district  
7 judges, and United States magistrate judges; the home  
8 addresses, telephone numbers, social security numbers,  
9 photographs, and places of employment of the spouses and  
10 children of current or former judges of United States Courts  
11 of Appeal, United States district judges, and United States  
12 magistrate judges; and the names and locations of schools and  
13 day care facilities attended by the children of current or  
14 former judges of United States Courts of Appeal, United States  
15 district judges, and United States magistrate judges are  
16 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
17 Constitution. This subparagraph is subject to the Open  
18 Government Sunset Review Act in accordance with s. 119.15 and  
19 shall stand repealed on October 2, 2009, unless reviewed and  
20 saved from repeal through reenactment by the Legislature.

21           5. The home addresses, telephone numbers, social  
22 security numbers, and photographs of current or former code  
23 enforcement officers; the names, home addresses, telephone  
24 numbers, social security numbers, photographs, and places of  
25 employment of the spouses and children of such persons; and  
26 the names and locations of schools and day care facilities  
27 attended by the children of such persons are exempt from s.  
28 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
29 subparagraph is subject to the Open Government Sunset Review  
30 Act in accordance with s. 119.15 and shall stand repealed on  
31 October 2, 2006, unless reviewed and saved from repeal through

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1 reenactment by the Legislature.

2           6. The home addresses, telephone numbers, places of  
3 employment, and photographs of current or former guardians ad  
4 litem, as defined in s. 39.820, and the names, home addresses,  
5 telephone numbers, and places of employment of the spouses and  
6 children of such persons, are exempt from s. 119.07(1) and s.  
7 24(a), Art. I of the State Constitution, if the guardian ad  
8 litem provides a written statement that the guardian ad litem  
9 has made reasonable efforts to protect such information from  
10 being accessible through other means available to the public.  
11 This subparagraph is subject to the Open Government Sunset  
12 Review Act in accordance with s. 119.15 and shall stand  
13 repealed on October 2, 2010, unless reviewed and saved from  
14 repeal through reenactment by the Legislature.

15           7. The home addresses, telephone numbers, social  
16 security numbers, and photographs of current or former  
17 juvenile probation officers, juvenile probation supervisors,  
18 detention superintendents, assistant detention  
19 superintendents, senior juvenile detention officers, juvenile  
20 detention officer supervisors, juvenile detention officers,  
21 house parents I and II, house parent supervisors, group  
22 treatment leaders, group treatment leader supervisors, social  
23 service counselors, and rehabilitation therapists of the  
24 Department of Juvenile Justice, the names, home addresses,  
25 telephone numbers, social security numbers, photographs, and  
26 places of employment of spouses and children of such  
27 personnel, and the names and locations of schools and day care  
28 facilities attended by the children of such personnel are  
29 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
30 Constitution, if the Department of Juvenile Justice personnel  
31 member provides a written statement that he or she has made

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1 reasonable efforts to protect such information from being  
 2 accessible through other means available to the public. This  
 3 subparagraph is subject to the Open Government Sunset Review  
 4 Act of 1995 in accordance with s. 119.15 and shall stand  
 5 repealed on October 2, 2011, unless reviewed and saved from  
 6 repeal through reenactment by the Legislature.

7       ~~8.7.~~ An agency that is the custodian of the personal  
 8 information specified in subparagraph 1., subparagraph 2.,  
 9 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~  
 10 subparagraph 6., or subparagraph 7. and that is not the  
 11 employer of the officer, employee, justice, judge, or other  
 12 person specified in subparagraph 1., subparagraph 2.,  
 13 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~  
 14 subparagraph 6., or subparagraph 7. shall maintain the exempt  
 15 status of the personal information only if the officer,  
 16 employee, justice, judge, other person, or employing agency of  
 17 the designated employee submits a written request for  
 18 maintenance of the exemption to the custodial agency.

19       Section 2. For the purpose of incorporating the  
 20 amendment made by this act to section 119.071, Florida  
 21 Statutes, in a reference thereto, section 409.2577, Florida  
 22 Statutes, is reenacted to read:

23       409.2577 Parent locator service.--The department shall  
 24 establish a parent locator service to assist in locating  
 25 parents who have deserted their children and other persons  
 26 liable for support of dependent children. The department shall  
 27 use all sources of information available, including the  
 28 Federal Parent Locator Service, and may request and shall  
 29 receive information from the records of any person or the  
 30 state or any of its political subdivisions or any officer  
 31 thereof. Any agency as defined in s. 120.52, any political

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1 subdivision, and any other person shall, upon request, provide  
2 the department any information relating to location, salary,  
3 insurance, social security, income tax, and employment history  
4 necessary to locate parents who owe or potentially owe a duty  
5 of support pursuant to Title IV-D of the Social Security Act.  
6 This provision shall expressly take precedence over any other  
7 statutory nondisclosure provision which limits the ability of  
8 an agency to disclose such information, except that law  
9 enforcement information as provided in s. 119.071(4)(d) is not  
10 required to be disclosed, and except that confidential  
11 taxpayer information possessed by the Department of Revenue  
12 shall be disclosed only to the extent authorized in s.  
13 213.053(15). Nothing in this section requires the disclosure  
14 of information if such disclosure is prohibited by federal  
15 law. Information gathered or used by the parent locator  
16 service is confidential and exempt from the provisions of s.  
17 119.07(1). Additionally, the department is authorized to  
18 collect any additional information directly bearing on the  
19 identity and whereabouts of a person owing or asserted to be  
20 owing an obligation of support for a dependent child. The  
21 department shall, upon request, make information available  
22 only to public officials and agencies of this state; political  
23 subdivisions of this state, including any agency thereof  
24 providing child support enforcement services to non-Title IV-D  
25 clients; the custodial parent, legal guardian, attorney, or  
26 agent of the child; and other states seeking to locate parents  
27 who have deserted their children and other persons liable for  
28 support of dependents, for the sole purpose of establishing,  
29 modifying, or enforcing their liability for support, and shall  
30 make such information available to the Department of Children  
31 and Family Services for the purpose of diligent search

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1 activities pursuant to chapter 39. If the department has  
 2 reasonable evidence of domestic violence or child abuse and  
 3 the disclosure of information could be harmful to the  
 4 custodial parent or the child of such parent, the child  
 5 support program director or designee shall notify the  
 6 Department of Children and Family Services and the Secretary  
 7 of the United States Department of Health and Human Services  
 8 of this evidence. Such evidence is sufficient grounds for the  
 9 department to disapprove an application for location services.

10       Section 3. The Legislature finds that it is a public  
 11 necessity that the home addresses, telephone numbers, social  
 12 security numbers, and photographs of current or former  
 13 juvenile probation officers, juvenile probation supervisors,  
 14 detention superintendents, assistant detention  
 15 superintendents, senior juvenile detention officers, juvenile  
 16 detention officer supervisors, juvenile detention officers,  
 17 house parents I and II, house parent supervisors, group  
 18 treatment leaders, group treatment leader supervisors, social  
 19 service counselors, and rehabilitation therapists of the  
 20 Department of Juvenile Justice, the names, home addresses,  
 21 telephone numbers, social security numbers, photographs, and  
 22 places of employment of spouses and children of such  
 23 personnel, and the names and locations of schools and day care  
 24 facilities attended by the children of such personnel be held  
 25 confidential and exempt from public-records requirements if  
 26 the Department of Juvenile Justice personnel member seeking  
 27 the exemption provides a written statement that he or she has  
 28 made reasonable efforts to protect such information from being  
 29 accessible through other means available to the public. This  
 30 exemption is justified because, if such information were not  
 31 confidential, a juvenile probation officer, juvenile probation



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1 supervisor, detention superintendent, assistant detention  
 2 superintendent, senior juvenile detention officer, juvenile  
 3 detention officer supervisor, juvenile detention officer,  
 4 house parent, house parent supervisor, group treatment leader,  
 5 group treatment leader supervisor, social service counselor,  
 6 or rehabilitation therapist of the Department of Juvenile  
 7 Justice or his or her family could be harmed or threatened  
 8 with harm by a juvenile defendant or by a friend or family  
 9 member of a juvenile defendant.

10 Section 4. This act shall take effect October 1, 2006.

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13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 Delete everything before the enacting clause

16  
17 and insert:

18 A bill to be entitled  
 19 An act relating to public records; amending s.  
 20 119.071, F.S.; providing an exemption from  
 21 public-records requirements for the home  
 22 addresses, telephone numbers, social security  
 23 numbers, and photographs of current or former  
 24 juvenile probation officers, juvenile probation  
 25 supervisors, detention superintendents,  
 26 assistant detention superintendents, senior  
 27 juvenile detention officers, juvenile detention  
 28 officer supervisors, juvenile detention  
 29 officers, house parents I and II, house parent  
 30 supervisors, group treatment leaders, group  
 31 treatment leader supervisors, social services

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1           counselors, and rehabilitation therapists of  
2           the Department of Juvenile Justice, the names,  
3           home addresses, telephone numbers, social  
4           security numbers, photographs, and places of  
5           employment of spouses and children of such  
6           personnel, and the names and locations of  
7           schools and day care facilities attended by the  
8           children of such personnel; providing a  
9           condition precedent to the granting of such  
10          exemption; providing for review and repeal;  
11          reenacting s. 409.2577, F.S., relating to  
12          disclosure of information to the parent locator  
13          service of the Department of Children and  
14          Family Services, for the purpose of  
15          incorporating the amendment to s. 119.071,  
16          F.S., in a reference thereto; providing a  
17          statement of public necessity; providing an  
18          effective date.

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