

By the Committee on Criminal Justice; and Senator Crist

591-1892-06

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; providing an exemption from
4 public-records requirements for the home
5 addresses, telephone numbers, social security
6 numbers, and photographs of current or former
7 juvenile probation officers, juvenile probation
8 supervisors, detention superintendents,
9 assistant detention superintendents, senior
10 juvenile detention officers, juvenile detention
11 officer supervisors, juvenile detention
12 officers, house parents I and II, house parent
13 supervisors, group treatment leaders, group
14 treatment leader supervisors, social services
15 counselors, and rehabilitation therapists of
16 the Department of Juvenile Justice, the names,
17 home addresses, telephone numbers, social
18 security numbers, photographs, and places of
19 employment of spouses and children of such
20 personnel, and the names and locations of
21 schools and day care facilities attended by the
22 children of such personnel; providing a
23 condition precedent to the granting of such
24 exemption; providing for review and repeal;
25 reenacting s. 409.2577, F.S., relating to
26 disclosure of information to the parent locator
27 service of the Department of Children and
28 Family Services, for the purpose of
29 incorporating the amendment to s. 119.071,
30 F.S., in a reference thereto; providing a
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1 statement of public necessity; providing an
2 effective date.

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

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6 Section 1. Paragraph (d) of subsection (4) of section
7 119.071, Florida Statutes, is amended to read:

8 119.071 General exemptions from inspection or copying
9 of public records.--

10 (4) AGENCY PERSONNEL INFORMATION.--

11 (d)1. The home addresses, telephone numbers, social
12 security numbers, and photographs of active or former law
13 enforcement personnel, including correctional and correctional
14 probation officers, personnel of the Department of Children
15 and Family Services whose duties include the investigation of
16 abuse, neglect, exploitation, fraud, theft, or other criminal
17 activities, personnel of the Department of Health whose duties
18 are to support the investigation of child abuse or neglect,
19 and personnel of the Department of Revenue or local
20 governments whose responsibilities include revenue collection
21 and enforcement or child support enforcement; the home
22 addresses, telephone numbers, social security numbers,
23 photographs, and places of employment of the spouses and
24 children of such personnel; and the names and locations of
25 schools and day care facilities attended by the children of
26 such personnel are exempt from s. 119.07(1). The home
27 addresses, telephone numbers, and photographs of firefighters
28 certified in compliance with s. 633.35; the home addresses,
29 telephone numbers, photographs, and places of employment of
30 the spouses and children of such firefighters; and the names
31 and locations of schools and day care facilities attended by

1 | the children of such firefighters are exempt from s.
2 | 119.07(1). The home addresses and telephone numbers of
3 | justices of the Supreme Court, district court of appeal
4 | judges, circuit court judges, and county court judges; the
5 | home addresses, telephone numbers, and places of employment of
6 | the spouses and children of justices and judges; and the names
7 | and locations of schools and day care facilities attended by
8 | the children of justices and judges are exempt from s.
9 | 119.07(1). The home addresses, telephone numbers, social
10 | security numbers, and photographs of current or former state
11 | attorneys, assistant state attorneys, statewide prosecutors,
12 | or assistant statewide prosecutors; the home addresses,
13 | telephone numbers, social security numbers, photographs, and
14 | places of employment of the spouses and children of current or
15 | former state attorneys, assistant state attorneys, statewide
16 | prosecutors, or assistant statewide prosecutors; and the names
17 | and locations of schools and day care facilities attended by
18 | the children of current or former state attorneys, assistant
19 | state attorneys, statewide prosecutors, or assistant statewide
20 | prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I
21 | of the State Constitution.

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

1 | locations of schools and day care facilities attended by the
2 | children of such personnel are exempt from s. 119.07(1) and s.
3 | 24(a), Art. I of the State Constitution. This subparagraph is
4 | subject to the Open Government Sunset Review Act in accordance
5 | with s. 119.15 and shall stand repealed on October 2, 2006,
6 | unless reviewed and saved from repeal through reenactment by
7 | the Legislature.

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

23 | 4. The home addresses, telephone numbers, social
24 | security numbers, and photographs of current or former judges
25 | of United States Courts of Appeal, United States district
26 | judges, and United States magistrate judges; the home
27 | addresses, telephone numbers, social security numbers,
28 | photographs, and places of employment of the spouses and
29 | children of current or former judges of United States Courts
30 | of Appeal, United States district judges, and United States
31 | magistrate judges; and the names and locations of schools and

1 day care facilities attended by the children of current or
2 former judges of United States Courts of Appeal, United States
3 district judges, and United States magistrate judges are
4 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5 Constitution. This subparagraph is subject to the Open
6 Government Sunset Review Act in accordance with s. 119.15 and
7 shall stand repealed on October 2, 2009, unless reviewed and
8 saved from repeal through reenactment by the Legislature.

9 5. The home addresses, telephone numbers, social
10 security numbers, and photographs of current or former code
11 enforcement officers; the names, home addresses, telephone
12 numbers, social security numbers, photographs, and places of
13 employment of the spouses and children of such persons; and
14 the names and locations of schools and day care facilities
15 attended by the children of such persons are exempt from s.
16 119.07(1) and s. 24(a), Art. I of the State Constitution. This
17 subparagraph is subject to the Open Government Sunset Review
18 Act in accordance with s. 119.15 and shall stand repealed on
19 October 2, 2006, unless reviewed and saved from repeal through
20 reenactment by the Legislature.

21 6. The home addresses, telephone numbers, places of
22 employment, and photographs of current or former guardians ad
23 litem, as defined in s. 39.820, and the names, home addresses,
24 telephone numbers, and places of employment of the spouses and
25 children of such persons, are exempt from s. 119.07(1) and s.
26 24(a), Art. I of the State Constitution, if the guardian ad
27 litem provides a written statement that the guardian ad litem
28 has made reasonable efforts to protect such information from
29 being accessible through other means available to the public.
30 This subparagraph is subject to the Open Government Sunset
31 Review Act in accordance with s. 119.15 and shall stand

1 repealed on October 2, 2010, unless reviewed and saved from
2 repeal through reenactment by the Legislature.

3 7. The home addresses, telephone numbers, social
4 security numbers, and photographs of current or former
5 juvenile probation officers, juvenile probation supervisors,
6 detention superintendents, assistant detention
7 superintendents, senior juvenile detention officers, juvenile
8 detention officer supervisors, juvenile detention officers,
9 house parents I and II, house parent supervisors, group
10 treatment leaders, group treatment leader supervisors, social
11 service counselors, and rehabilitation therapists of the
12 Department of Juvenile Justice, the names, home addresses,
13 telephone numbers, social security numbers, photographs, and
14 places of employment of spouses and children of such
15 personnel, and the names and locations of schools and day care
16 facilities attended by the children of such personnel are
17 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
18 Constitution, if the Department of Juvenile Justice personnel
19 member provides a written statement that he or she has made
20 reasonable efforts to protect such information from being
21 accessible through other means available to the public. This
22 subparagraph is subject to the Open Government Sunset Review
23 Act of 1995 in accordance with s. 119.15 and shall stand
24 repealed on October 2, 2011, unless reviewed and saved from
25 repeal through reenactment by the Legislature.

26 ~~8.7.~~ An agency that is the custodian of the personal
27 information specified in subparagraph 1., subparagraph 2.,
28 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~
29 subparagraph 6., or subparagraph 7. and that is not the
30 employer of the officer, employee, justice, judge, or other
31 person specified in subparagraph 1., subparagraph 2.,

1 | subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~
2 | subparagraph 6., or subparagraph 7. shall maintain the exempt
3 | status of the personal information only if the officer,
4 | employee, justice, judge, other person, or employing agency of
5 | the designated employee submits a written request for
6 | maintenance of the exemption to the custodial agency.

7 | Section 2. For the purpose of incorporating the
8 | amendment made by this act to section 119.071, Florida
9 | Statutes, in a reference thereto, section 409.2577, Florida
10 | Statutes, is reenacted to read:

11 | 409.2577 Parent locator service.--The department shall
12 | establish a parent locator service to assist in locating
13 | parents who have deserted their children and other persons
14 | liable for support of dependent children. The department shall
15 | use all sources of information available, including the
16 | Federal Parent Locator Service, and may request and shall
17 | receive information from the records of any person or the
18 | state or any of its political subdivisions or any officer
19 | thereof. Any agency as defined in s. 120.52, any political
20 | subdivision, and any other person shall, upon request, provide
21 | the department any information relating to location, salary,
22 | insurance, social security, income tax, and employment history
23 | necessary to locate parents who owe or potentially owe a duty
24 | of support pursuant to Title IV-D of the Social Security Act.
25 | This provision shall expressly take precedence over any other
26 | statutory nondisclosure provision which limits the ability of
27 | an agency to disclose such information, except that law
28 | enforcement information as provided in s. 119.071(4)(d) is not
29 | required to be disclosed, and except that confidential
30 | taxpayer information possessed by the Department of Revenue
31 | shall be disclosed only to the extent authorized in s.

1 213.053(15). Nothing in this section requires the disclosure
2 of information if such disclosure is prohibited by federal
3 law. Information gathered or used by the parent locator
4 service is confidential and exempt from the provisions of s.
5 119.07(1). Additionally, the department is authorized to
6 collect any additional information directly bearing on the
7 identity and whereabouts of a person owing or asserted to be
8 owing an obligation of support for a dependent child. The
9 department shall, upon request, make information available
10 only to public officials and agencies of this state; political
11 subdivisions of this state, including any agency thereof
12 providing child support enforcement services to non-Title IV-D
13 clients; the custodial parent, legal guardian, attorney, or
14 agent of the child; and other states seeking to locate parents
15 who have deserted their children and other persons liable for
16 support of dependents, for the sole purpose of establishing,
17 modifying, or enforcing their liability for support, and shall
18 make such information available to the Department of Children
19 and Family Services for the purpose of diligent search
20 activities pursuant to chapter 39. If the department has
21 reasonable evidence of domestic violence or child abuse and
22 the disclosure of information could be harmful to the
23 custodial parent or the child of such parent, the child
24 support program director or designee shall notify the
25 Department of Children and Family Services and the Secretary
26 of the United States Department of Health and Human Services
27 of this evidence. Such evidence is sufficient grounds for the
28 department to disapprove an application for location services.

29 Section 3. The Legislature finds that it is a public
30 necessity that the home addresses, telephone numbers, social
31 security numbers, and photographs of current or former

1 juvenile probation officers, juvenile probation supervisors,
2 detention superintendents, assistant detention
3 superintendents, senior juvenile detention officers, juvenile
4 detention officer supervisors, juvenile detention officers,
5 house parents I and II, house parent supervisors, group
6 treatment leaders, group treatment leader supervisors, social
7 service counselors, and rehabilitation therapists of the
8 Department of Juvenile Justice, the names, home addresses,
9 telephone numbers, social security numbers, photographs, and
10 places of employment of spouses and children of such
11 personnel, and the names and locations of schools and day care
12 facilities attended by the children of such personnel be held
13 confidential and exempt from public-records requirements if
14 the Department of Juvenile Justice personnel member seeking
15 the exemption provides a written statement that he or she has
16 made reasonable efforts to protect such information from being
17 accessible through other means available to the public. This
18 exemption is justified because, if such information were not
19 confidential, a juvenile probation officer, juvenile probation
20 supervisor, detention superintendent, assistant detention
21 superintendent, senior juvenile detention officer, juvenile
22 detention officer supervisor, juvenile detention officer,
23 house parent, house parent supervisor, group treatment leader,
24 group treatment leader supervisor, social service counselor,
25 or rehabilitation therapist of the Department of Juvenile
26 Justice or his or her family could be harmed or threatened
27 with harm by a juvenile defendant or by a friend or family
28 member of a juvenile defendant.

29 Section 4. This act shall take effect October 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1320

- The bill reenacts s. 409.2577, F.S., for the purpose of incorporating the amendment to s. 119.071 (4)(d), F.S., which is referenced therein.
- The bill includes another "group" of Department of Juvenile Justice personnel within the public records exemption created by the bill. This group is social services counselors.
- The bill extends the public records exemption to include social security numbers and photographs of the Department personnel and former personnel listed in the bill, as well as the social security numbers, photographs, and place of employment of his or her spouse and children. Likewise, the bill includes the children's schools and day care facilities. These are the same exemptions that apply to other groups of persons in this section of the Florida Statutes.