

By Senator Wise

5-1239-06

See HB 787

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; expanding the exemption from
4 public records requirements for identifying
5 information of specified agency personnel to
6 include home parcel identification numbers
7 maintained by county property appraisers;
8 providing for review and repeal; providing a
9 statement of public necessity; reenacting s.
10 409.2577, F.S., relating to the parent locator
11 service operated by the Department of Children
12 and Family Services, to incorporate the
13 amendment to s. 119.071, F.S., in a reference
14 thereto; providing an effective date.

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

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18 Section 1. Paragraph (d) of subsection (4) of section
19 119.071, Florida Statutes, is amended to read:

20 119.071 General exemptions from inspection or copying
21 of public records.--

22 (4) AGENCY PERSONNEL INFORMATION.--

23 (d)1. The home addresses, home parcel identification
24 numbers, telephone numbers, social security numbers, and
25 photographs of active or former law enforcement personnel,
26 including correctional and correctional probation officers,
27 personnel of the Department of Children and Family Services
28 whose duties include the investigation of abuse, neglect,
29 exploitation, fraud, theft, or other criminal activities,
30 personnel of the Department of Health whose duties are to
31 support the investigation of child abuse or neglect, and

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

1 assistant state attorneys, statewide prosecutors, or assistant
2 statewide prosecutors; and the names and locations of schools
3 and day care facilities attended by the children of current or
4 former state attorneys, assistant state attorneys, statewide
5 prosecutors, or assistant statewide prosecutors are exempt
6 from s. 119.07(1) and s. 24(a), Art. I of the State
7 Constitution. This subparagraph is subject to the Open
8 Government Sunset Review Act in accordance with s. 119.15 and
9 shall stand repealed on October 2, 2011, unless reviewed and
10 saved from repeal through reenactment by the Legislature.

11 2. The home addresses, home parcel identification
12 numbers, telephone numbers, social security numbers, and
13 photographs of current or former human resource, labor
14 relations, or employee relations directors, assistant
15 directors, managers, or assistant managers of any local
16 government agency or water management district whose duties
17 include hiring and firing employees, labor contract
18 negotiation, administration, or other personnel-related
19 duties; the names, home addresses, home parcel identification
20 numbers, telephone numbers, social security numbers,
21 photographs, and places of employment of the spouses and
22 children of such personnel; and the names and locations of
23 schools and day care facilities attended by the children of
24 such personnel are exempt from s. 119.07(1) and s. 24(a), Art.
25 I of the State Constitution. This subparagraph is subject to
26 the Open Government Sunset Review Act in accordance with s.
27 119.15 and shall stand repealed on October 2, 2011 ~~2006~~,
28 unless reviewed and saved from repeal through reenactment by
29 the Legislature.

30 3. The home addresses, home parcel identification
31 numbers, telephone numbers, social security numbers, and

1 | photographs of current or former United States attorneys and
2 | assistant United States attorneys; the home addresses, home
3 | parcel identification numbers, telephone numbers, social
4 | security numbers, photographs, and places of employment of the
5 | spouses and children of current or former United States
6 | attorneys and assistant United States attorneys; and the names
7 | and locations of schools and day care facilities attended by
8 | the children of current or former United States attorneys and
9 | assistant United States attorneys are exempt from s. 119.07(1)
10 | and s. 24(a), Art. I of the State Constitution. This
11 | subparagraph is subject to the Open Government Sunset Review
12 | Act in accordance with s. 119.15 and shall stand repealed on
13 | October 2, 2011 ~~2009~~, unless reviewed and saved from repeal
14 | through reenactment by the Legislature.

15 | 4. The home addresses, home parcel identification
16 | numbers, telephone numbers, social security numbers, and
17 | photographs of current or former judges of United States
18 | Courts of Appeal, United States district judges, and United
19 | States magistrate judges; the home addresses, home parcel
20 | identification numbers, telephone numbers, social security
21 | numbers, photographs, and places of employment of the spouses
22 | and children of current or former judges of United States
23 | Courts of Appeal, United States district judges, and United
24 | States magistrate judges; and the names and locations of
25 | schools and day care facilities attended by the children of
26 | current or former judges of United States Courts of Appeal,
27 | United States district judges, and United States magistrate
28 | judges are exempt from s. 119.07(1) and s. 24(a), Art. I of
29 | the State Constitution. This subparagraph is subject to the
30 | Open Government Sunset Review Act in accordance with s. 119.15
31 | and shall stand repealed on October 2, 2011 ~~2009~~, unless

1 reviewed and saved from repeal through reenactment by the
2 Legislature.

3 5. The home addresses, home parcel identification
4 numbers, telephone numbers, social security numbers, and
5 photographs of current or former code enforcement officers;
6 the names, home addresses, home parcel identification numbers,
7 telephone numbers, social security numbers, photographs, and
8 places of employment of the spouses and children of such
9 persons; and the names and locations of schools and day care
10 facilities attended by the children of such persons are exempt
11 from s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution. This subparagraph is subject to the Open
13 Government Sunset Review Act in accordance with s. 119.15 and
14 shall stand repealed on October 2, 2011 ~~2006~~, unless reviewed
15 and saved from repeal through reenactment by the Legislature.

16 6. The home addresses, home parcel identification
17 numbers, telephone numbers, places of employment, and
18 photographs of current or former guardians ad litem, as
19 defined in s. 39.820, and the names, home addresses, home
20 parcel identification numbers, telephone numbers, and places
21 of employment of the spouses and children of such persons, are
22 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
23 Constitution, if the guardian ad litem provides a written
24 statement that the guardian ad litem has made reasonable
25 efforts to protect such information from being accessible
26 through other means available to the public. This subparagraph
27 is subject to the Open Government Sunset Review Act in
28 accordance with s. 119.15 and shall stand repealed on October
29 2, 2011 ~~2010~~, unless reviewed and saved from repeal through
30 reenactment by the Legislature.

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

13 Section 2. The Legislature finds that it is a public
14 necessity that home parcel identification numbers maintained
15 by county property appraisers which identify the homes of
16 specified state agency personnel be held confidential and
17 exempt from public records requirements. Pursuant to s.
18 119.071(4), Florida Statutes, the home addresses of specified
19 agency personnel are exempt from public records requirements
20 to ensure their safety. Records at county property appraisers'
21 offices are available via the Internet and can be searched
22 using a parcel identification number or the property owner's
23 name, street number, or street name. It has been revealed that
24 it is possible to determine the identity of a person living at
25 an address if a search of a county property appraiser's
26 records is performed using the parcel identification number of
27 the property owned by such person. By searching a county
28 property appraiser's records using the parcel identification
29 number, the name of the owner is revealed, although the actual
30 street address is not. However, because the location of the
31 home by parcel identification number can be revealed by maps

1 also available on the Internet in the county property
2 appraiser's records, the actual street address of a person can
3 easily be determined. With such information readily available
4 and with little expertise, a person could learn the home
5 addresses of protected state agency personnel that were
6 intended to remain confidential, thus endangering their
7 safety. By expanding the current public records exemption for
8 state agency personnel to include the parcel identification
9 number of property owned by agency personnel, a person would
10 be prevented from learning the home address of protected
11 agency personnel by performing a search in this manner.

12 Section 3. For the purpose of incorporating the
13 amendment made by this act to section 119.071, Florida
14 Statutes, in a reference thereto, section 409.2577, Florida
15 Statutes, is reenacted to read:

16 409.2577 Parent locator service.--The department shall
17 establish a parent locator service to assist in locating
18 parents who have deserted their children and other persons
19 liable for support of dependent children. The department shall
20 use all sources of information available, including the
21 Federal Parent Locator Service, and may request and shall
22 receive information from the records of any person or the
23 state or any of its political subdivisions or any officer
24 thereof. Any agency as defined in s. 120.52, any political
25 subdivision, and any other person shall, upon request, provide
26 the department any information relating to location, salary,
27 insurance, social security, income tax, and employment history
28 necessary to locate parents who owe or potentially owe a duty
29 of support pursuant to Title IV-D of the Social Security Act.
30 This provision shall expressly take precedence over any other
31 statutory nondisclosure provision which limits the ability of

1 | an agency to disclose such information, except that law
2 | enforcement information as provided in s. 119.071(4)(d) is not
3 | required to be disclosed, and except that confidential
4 | taxpayer information possessed by the Department of Revenue
5 | shall be disclosed only to the extent authorized in s.
6 | 213.053(15). Nothing in this section requires the disclosure
7 | of information if such disclosure is prohibited by federal
8 | law. Information gathered or used by the parent locator
9 | service is confidential and exempt from the provisions of s.
10 | 119.07(1). Additionally, the department is authorized to
11 | collect any additional information directly bearing on the
12 | identity and whereabouts of a person owing or asserted to be
13 | owing an obligation of support for a dependent child. The
14 | department shall, upon request, make information available
15 | only to public officials and agencies of this state; political
16 | subdivisions of this state, including any agency thereof
17 | providing child support enforcement services to non-Title IV-D
18 | clients; the custodial parent, legal guardian, attorney, or
19 | agent of the child; and other states seeking to locate parents
20 | who have deserted their children and other persons liable for
21 | support of dependents, for the sole purpose of establishing,
22 | modifying, or enforcing their liability for support, and shall
23 | make such information available to the Department of Children
24 | and Family Services for the purpose of diligent search
25 | activities pursuant to chapter 39. If the department has
26 | reasonable evidence of domestic violence or child abuse and
27 | the disclosure of information could be harmful to the
28 | custodial parent or the child of such parent, the child
29 | support program director or designee shall notify the
30 | Department of Children and Family Services and the Secretary
31 | of the United States Department of Health and Human Services

1 of this evidence. Such evidence is sufficient grounds for the
2 department to disapprove an application for location services.

3 Section 4. This act shall take effect July 1, 2006.
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