

1 A bill to be entitled

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

26
27 Be It Enacted by the Legislature of the State of Florida:
28

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29 Section 1. Paragraph (d) of subsection (4) of section
30 119.071, Florida Statutes, is amended to read:

31 119.071 General exemptions from inspection or copying of
32 public records.--

33 (4) AGENCY PERSONNEL INFORMATION.--

34 (d)1. The home addresses, telephone numbers, social
35 security numbers, and photographs of active or former law
36 enforcement personnel, including correctional and correctional
37 probation officers, personnel of the Department of Children and
38 Family Services whose duties include the investigation of abuse,
39 neglect, exploitation, fraud, theft, or other criminal
40 activities, personnel of the Department of Health whose duties
41 are to support the investigation of child abuse or neglect, and
42 personnel of the Department of Revenue or local governments
43 whose responsibilities include revenue collection and
44 enforcement or child support enforcement; the home addresses,
45 telephone numbers, social security numbers, photographs, and
46 places of employment of the spouses and children of such
47 personnel; and the names and locations of schools and day care
48 facilities attended by the children of such personnel are exempt
49 from s. 119.07(1). The home addresses, telephone numbers, and
50 photographs of firefighters certified in compliance with s.
51 633.35; the home addresses, telephone numbers, photographs, and
52 places of employment of the spouses and children of such
53 firefighters; and the names and locations of schools and day
54 care facilities attended by the children of such firefighters
55 are exempt from s. 119.07(1). The home addresses and telephone
56 numbers of justices of the Supreme Court, district court of

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57 | appeal judges, circuit court judges, and county court judges;
58 | the home addresses, telephone numbers, and places of employment
59 | of the spouses and children of justices and judges; and the
60 | names and locations of schools and day care facilities attended
61 | by the children of justices and judges are exempt from s.
62 | 119.07(1). The home addresses, telephone numbers, social
63 | security numbers, and photographs of current or former state
64 | attorneys, assistant state attorneys, statewide prosecutors, or
65 | assistant statewide prosecutors; the home addresses, telephone
66 | numbers, social security numbers, photographs, and places of
67 | employment of the spouses and children of current or former
68 | state attorneys, assistant state attorneys, statewide
69 | prosecutors, or assistant statewide prosecutors; and the names
70 | and locations of schools and day care facilities attended by the
71 | children of current or former state attorneys, assistant state
72 | attorneys, statewide prosecutors, or assistant statewide
73 | prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of
74 | the State Constitution.

75 | 2. The home addresses, telephone numbers, social security
76 | numbers, and photographs of current or former human resource,
77 | labor relations, or employee relations directors, assistant
78 | directors, managers, or assistant managers of any local
79 | government agency or water management district whose duties
80 | include hiring and firing employees, labor contract negotiation,
81 | administration, or other personnel-related duties; the names,
82 | home addresses, telephone numbers, social security numbers,
83 | photographs, and places of employment of the spouses and
84 | children of such personnel; and the names and locations of

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

91 3. The home addresses, telephone numbers, social security
92 numbers, and photographs of current or former United States
93 attorneys and assistant United States attorneys; the home
94 addresses, telephone numbers, social security numbers,
95 photographs, and places of employment of the spouses and
96 children of current or former United States attorneys and
97 assistant United States attorneys; and the names and locations
98 of schools and day care facilities attended by the children of
99 current or former United States attorneys and assistant United
100 States attorneys are exempt from s. 119.07(1) and s. 24(a), Art.
101 I of the State Constitution. This subparagraph is subject to the
102 Open Government Sunset Review Act in accordance with s. 119.15
103 and shall stand repealed on October 2, 2009, unless reviewed and
104 saved from repeal through reenactment by the Legislature.

105 4. The home addresses, telephone numbers, social security
106 numbers, and photographs of current or former judges of United
107 States Courts of Appeal, United States district judges, and
108 United States magistrate judges; the home addresses, telephone
109 numbers, social security numbers, photographs, and places of
110 employment of the spouses and children of current or former
111 judges of United States Courts of Appeal, United States district
112 judges, and United States magistrate judges; and the names and

113 | locations of schools and day care facilities attended by the
114 | children of current or former judges of United States Courts of
115 | Appeal, United States district judges, and United States
116 | magistrate judges are exempt from s. 119.07(1) and s. 24(a),
117 | Art. I of the State Constitution. This subparagraph is subject
118 | to the Open Government Sunset Review Act in accordance with s.
119 | 119.15 and shall stand repealed on October 2, 2009, unless
120 | reviewed and saved from repeal through reenactment by the
121 | Legislature.

122 | 5. The home addresses, telephone numbers, social security
123 | numbers, and photographs of current or former code enforcement
124 | officers; the names, home addresses, telephone numbers, social
125 | security numbers, photographs, and places of employment of the
126 | spouses and children of such persons; and the names and
127 | locations of schools and day care facilities attended by the
128 | children of such persons are exempt from s. 119.07(1) and s.
129 | 24(a), Art. I of the State Constitution. This subparagraph is
130 | subject to the Open Government Sunset Review Act in accordance
131 | with s. 119.15 and shall stand repealed on October 2, 2006,
132 | unless reviewed and saved from repeal through reenactment by the
133 | Legislature.

134 | 6. The home addresses, telephone numbers, places of
135 | employment, and photographs of current or former guardians ad
136 | litem, as defined in s. 39.820, and the names, home addresses,
137 | telephone numbers, and places of employment of the spouses and
138 | children of such persons, are exempt from s. 119.07(1) and s.
139 | 24(a), Art. I of the State Constitution, if the guardian ad
140 | litem provides a written statement that the guardian ad litem

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141 has made reasonable efforts to protect such information from
142 being accessible through other means available to the public.
143 This subparagraph is subject to the Open Government Sunset
144 Review Act in accordance with s. 119.15 and shall stand repealed
145 on October 2, 2010, unless reviewed and saved from repeal
146 through reenactment by the Legislature.

147 7. The home addresses, telephone numbers, social security
148 numbers, and photographs of current or former juvenile probation
149 officers, juvenile probation supervisors, detention
150 superintendents, assistant detention superintendents, senior
151 juvenile detention officers, juvenile detention officer
152 supervisors, juvenile detention officers, house parents I and
153 II, house parent supervisors, group treatment leaders, group
154 treatment leader supervisors, and rehabilitation therapists of
155 the Department of Juvenile Justice, the names, home addresses,
156 telephone numbers, social security numbers, photographs, and
157 places of employment of spouses and children of such personnel,
158 and the names and locations of schools and day care facilities
159 attended by the children of such personnel are exempt from s.
160 119.07(1) and s. 24(a), Art. I of the State Constitution, if the
161 Department of Juvenile Justice personnel member provides a
162 written statement that he or she has made reasonable efforts to
163 protect such information from being accessible through other
164 means available to the public. This subparagraph is subject to
165 the Open Government Sunset Review Act of 1995 in accordance with
166 s. 119.15 and shall stand repealed on October 2, 2011, unless
167 reviewed and saved from repeal through reenactment by the
168 Legislature.

169 ~~8.7.~~ An agency that is the custodian of the personal
170 information specified in subparagraph 1., subparagraph 2.,
171 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~
172 subparagraph 6., or subparagraph 7. and that is not the employer
173 of the officer, employee, justice, judge, or other person
174 specified in subparagraph 1., subparagraph 2., subparagraph 3.,
175 subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or
176 subparagraph 7. shall maintain the exempt status of the personal
177 information only if the officer, employee, justice, judge, other
178 person, or employing agency of the designated employee submits a
179 written request for maintenance of the exemption to the
180 custodial agency.

181 Section 2. For the purpose of incorporating the amendment
182 made by this act to section 119.071, Florida Statutes, in a
183 reference thereto, section 409.2577, Florida Statutes, is
184 reenacted to read:

185 409.2577 Parent locator service.--The department shall
186 establish a parent locator service to assist in locating parents
187 who have deserted their children and other persons liable for
188 support of dependent children. The department shall use all
189 sources of information available, including the Federal Parent
190 Locator Service, and may request and shall receive information
191 from the records of any person or the state or any of its
192 political subdivisions or any officer thereof. Any agency as
193 defined in s. 120.52, any political subdivision, and any other
194 person shall, upon request, provide the department any
195 information relating to location, salary, insurance, social
196 security, income tax, and employment history necessary to locate

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197 parents who owe or potentially owe a duty of support pursuant to
198 Title IV-D of the Social Security Act. This provision shall
199 expressly take precedence over any other statutory nondisclosure
200 provision which limits the ability of an agency to disclose such
201 information, except that law enforcement information as provided
202 in s. 119.071(4)(d) is not required to be disclosed, and except
203 that confidential taxpayer information possessed by the
204 Department of Revenue shall be disclosed only to the extent
205 authorized in s. 213.053(15). Nothing in this section requires
206 the disclosure of information if such disclosure is prohibited
207 by federal law. Information gathered or used by the parent
208 locator service is confidential and exempt from the provisions
209 of s. 119.07(1). Additionally, the department is authorized to
210 collect any additional information directly bearing on the
211 identity and whereabouts of a person owing or asserted to be
212 owing an obligation of support for a dependent child. The
213 department shall, upon request, make information available only
214 to public officials and agencies of this state; political
215 subdivisions of this state, including any agency thereof
216 providing child support enforcement services to non-Title IV-D
217 clients; the custodial parent, legal guardian, attorney, or
218 agent of the child; and other states seeking to locate parents
219 who have deserted their children and other persons liable for
220 support of dependents, for the sole purpose of establishing,
221 modifying, or enforcing their liability for support, and shall
222 make such information available to the Department of Children
223 and Family Services for the purpose of diligent search
224 activities pursuant to chapter 39. If the department has

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225 reasonable evidence of domestic violence or child abuse and the
226 disclosure of information could be harmful to the custodial
227 parent or the child of such parent, the child support program
228 director or designee shall notify the Department of Children and
229 Family Services and the Secretary of the United States
230 Department of Health and Human Services of this evidence. Such
231 evidence is sufficient grounds for the department to disapprove
232 an application for location services.

233 Section 3. The Legislature finds that it is a public
234 necessity that the home addresses, telephone numbers, social
235 security numbers, and photographs of current or former juvenile
236 probation officers, juvenile probation supervisors, detention
237 superintendents, assistant detention superintendents, senior
238 juvenile detention officers, juvenile detention officer
239 supervisors, juvenile detention officers, house parents I and
240 II, house parent supervisors, group treatment leaders, group
241 treatment leader supervisors, and rehabilitation therapists of
242 the Department of Juvenile Justice, the names, home addresses,
243 telephone numbers, social security numbers, photographs, and
244 places of employment of spouses and children of such personnel,
245 and the names and locations of schools and day care facilities
246 attended by the children of such personnel be held confidential
247 and exempt from public records requirements if the Department of
248 Juvenile Justice personnel member seeking the exemption provides
249 a written statement that he or she has made reasonable efforts
250 to protect such information from being accessible through other
251 means available to the public. This exemption is justified
252 because, if such information were not confidential, a juvenile

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253 probation officer, juvenile probation supervisor, detention
254 superintendent, assistant detention superintendent, senior
255 juvenile detention officer, juvenile detention officer
256 supervisor, juvenile detention officer, house parent, house
257 parent supervisor, group treatment leader, group treatment
258 leader supervisor, or rehabilitation therapist of the Department
259 of Juvenile Justice or his or her family could be harmed or
260 threatened with harm by a juvenile defendant or by a friend or
261 family member of a juvenile defendant.

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