

## CHAMBER ACTION

---

1 The Governmental Operations Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled  
7 An act relating to public records; amending s. 119.071,  
8 F.S.; providing an exemption from public records  
9 requirements for the home addresses, telephone numbers,  
10 and photographs of current or former juvenile probation  
11 officers, juvenile probation supervisors, detention  
12 superintendents, assistant detention superintendents,  
13 senior juvenile detention officers, juvenile detention  
14 officer supervisors, juvenile detention officers, house  
15 parents I and II, house parent supervisors, group  
16 treatment leaders, group treatment leader supervisors, and  
17 rehabilitation therapists of the Department of Juvenile  
18 Justice, the names, home addresses, telephone numbers, and  
19 places of employment of spouses and children of such  
20 personnel, and the names and locations of schools and day  
21 care facilities attended by the children of such  
22 personnel; providing a condition precedent to the granting  
23 of such exemption; providing for review and repeal;

HB 605

2006  
CS

24 | reenacting s. 409.2577, F.S., relating to disclosure of  
 25 | information to the parent locator service of the  
 26 | Department of Children and Family Services, for the  
 27 | purpose of incorporating the amendment to s. 119.071,  
 28 | F.S., in a reference thereto; providing a statement of  
 29 | public necessity; providing an effective date.

30

31 | Be It Enacted by the Legislature of the State of Florida:

32

33 | Section 1. Paragraph (d) of subsection (4) of section  
 34 | 119.071, Florida Statutes, is amended to read:

35 | 119.071 General exemptions from inspection or copying of  
 36 | public records.--

37 | (4) AGENCY PERSONNEL INFORMATION.--

38 | (d)1. The home addresses, telephone numbers, social  
 39 | security numbers, and photographs of active or former law  
 40 | enforcement personnel, including correctional and correctional  
 41 | probation officers, personnel of the Department of Children and  
 42 | Family Services whose duties include the investigation of abuse,  
 43 | neglect, exploitation, fraud, theft, or other criminal  
 44 | activities, personnel of the Department of Health whose duties  
 45 | are to support the investigation of child abuse or neglect, and  
 46 | personnel of the Department of Revenue or local governments  
 47 | whose responsibilities include revenue collection and  
 48 | enforcement or child support enforcement; the home addresses,  
 49 | telephone numbers, social security numbers, photographs, and  
 50 | places of employment of the spouses and children of such  
 51 | personnel; and the names and locations of schools and day care

HB 605

2006  
CS

52 facilities attended by the children of such personnel are exempt  
53 from s. 119.07(1). The home addresses, telephone numbers, and  
54 photographs of firefighters certified in compliance with s.  
55 633.35; the home addresses, telephone numbers, photographs, and  
56 places of employment of the spouses and children of such  
57 firefighters; and the names and locations of schools and day  
58 care facilities attended by the children of such firefighters  
59 are exempt from s. 119.07(1). The home addresses and telephone  
60 numbers of justices of the Supreme Court, district court of  
61 appeal judges, circuit court judges, and county court judges;  
62 the home addresses, telephone numbers, and places of employment  
63 of the spouses and children of justices and judges; and the  
64 names and locations of schools and day care facilities attended  
65 by the children of justices and judges are exempt from s.  
66 119.07(1). The home addresses, telephone numbers, social  
67 security numbers, and photographs of current or former state  
68 attorneys, assistant state attorneys, statewide prosecutors, or  
69 assistant statewide prosecutors; the home addresses, telephone  
70 numbers, social security numbers, photographs, and places of  
71 employment of the spouses and children of current or former  
72 state attorneys, assistant state attorneys, statewide  
73 prosecutors, or assistant statewide prosecutors; and the names  
74 and locations of schools and day care facilities attended by the  
75 children of current or former state attorneys, assistant state  
76 attorneys, statewide prosecutors, or assistant statewide  
77 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of  
78 the State Constitution.

HB 605

2006  
CS

79 | 2. The home addresses, telephone numbers, social security  
80 | numbers, and photographs of current or former human resource,  
81 | labor relations, or employee relations directors, assistant  
82 | directors, managers, or assistant managers of any local  
83 | government agency or water management district whose duties  
84 | include hiring and firing employees, labor contract negotiation,  
85 | administration, or other personnel-related duties; the names,  
86 | home addresses, telephone numbers, social security numbers,  
87 | photographs, and places of employment of the spouses and  
88 | children of such personnel; and the names and locations of  
89 | schools and day care facilities attended by the children of such  
90 | personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
91 | the State Constitution. This subparagraph is subject to the Open  
92 | Government Sunset Review Act in accordance with s. 119.15 and  
93 | shall stand repealed on October 2, 2006, unless reviewed and  
94 | saved from repeal through reenactment by the Legislature.

95 | 3. The home addresses, telephone numbers, social security  
96 | numbers, and photographs of current or former United States  
97 | attorneys and assistant United States attorneys; the home  
98 | addresses, telephone numbers, social security numbers,  
99 | photographs, and places of employment of the spouses and  
100 | children of current or former United States attorneys and  
101 | assistant United States attorneys; and the names and locations  
102 | of schools and day care facilities attended by the children of  
103 | current or former United States attorneys and assistant United  
104 | States attorneys are exempt from s. 119.07(1) and s. 24(a), Art.  
105 | I of the State Constitution. This subparagraph is subject to the  
106 | Open Government Sunset Review Act in accordance with s. 119.15

HB 605

2006  
CS

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

109 4. The home addresses, telephone numbers, social security  
110 numbers, and photographs of current or former judges of United  
111 States Courts of Appeal, United States district judges, and  
112 United States magistrate judges; the home addresses, telephone  
113 numbers, social security numbers, photographs, and places of  
114 employment of the spouses and children of current or former  
115 judges of United States Courts of Appeal, United States district  
116 judges, and United States magistrate judges; and the names and  
117 locations of schools and day care facilities attended by the  
118 children of current or former judges of United States Courts of  
119 Appeal, United States district judges, and United States  
120 magistrate judges are exempt from s. 119.07(1) and s. 24(a),  
121 Art. I of the State Constitution. This subparagraph is subject  
122 to the Open Government Sunset Review Act in accordance with s.  
123 119.15 and shall stand repealed on October 2, 2009, unless  
124 reviewed and saved from repeal through reenactment by the  
125 Legislature.

126 5. The home addresses, telephone numbers, social security  
127 numbers, and photographs of current or former code enforcement  
128 officers; the names, home addresses, telephone numbers, social  
129 security numbers, photographs, and places of employment of the  
130 spouses and children of such persons; and the names and  
131 locations of schools and day care facilities attended by the  
132 children of such persons are exempt from s. 119.07(1) and s.  
133 24(a), Art. I of the State Constitution. This subparagraph is  
134 subject to the Open Government Sunset Review Act in accordance

HB 605

2006  
CS

135 with s. 119.15 and shall stand repealed on October 2, 2006,  
136 unless reviewed and saved from repeal through reenactment by the  
137 Legislature.

138 6. The home addresses, telephone numbers, places of  
139 employment, and photographs of current or former guardians ad  
140 litem, as defined in s. 39.820, and the names, home addresses,  
141 telephone numbers, and places of employment of the spouses and  
142 children of such persons, are exempt from s. 119.07(1) and s.  
143 24(a), Art. I of the State Constitution, if the guardian ad  
144 litem provides a written statement that the guardian ad litem  
145 has made reasonable efforts to protect such information from  
146 being accessible through other means available to the public.  
147 This subparagraph is subject to the Open Government Sunset  
148 Review Act in accordance with s. 119.15 and shall stand repealed  
149 on October 2, 2010, unless reviewed and saved from repeal  
150 through reenactment by the Legislature.

151 7. The home addresses, telephone numbers, and photographs  
152 of current or former juvenile probation officers, juvenile  
153 probation supervisors, detention superintendents, assistant  
154 detention superintendents, senior juvenile detention officers,  
155 juvenile detention officer supervisors, juvenile detention  
156 officers, house parents I and II, house parent supervisors,  
157 group treatment leaders, group treatment leader supervisors, and  
158 rehabilitation therapists of the Department of Juvenile Justice,  
159 the names, home addresses, telephone numbers, and places of  
160 employment of spouses and children of such personnel, and the  
161 names and locations of schools and day care facilities attended  
162 by the children of such personnel are exempt from s. 119.07(1)

HB 605

2006  
CS

163 and s. 24(a), Art. I of the State Constitution, if the  
164 Department of Juvenile Justice personnel member provides a  
165 written statement that he or she has made reasonable efforts to  
166 protect such information from being accessible through other  
167 means available to the public. This subparagraph is subject to  
168 the Open Government Sunset Review Act in accordance with s.  
169 119.15 and shall stand repealed on October 2, 2011, unless  
170 reviewed and saved from repeal through reenactment by the  
171 Legislature.

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

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

188 409.2577 Parent locator service.--The department shall  
189 establish a parent locator service to assist in locating parents  
190 who have deserted their children and other persons liable for

HB 605

2006  
CS

191 support of dependent children. The department shall use all  
192 sources of information available, including the Federal Parent  
193 Locator Service, and may request and shall receive information  
194 from the records of any person or the state or any of its  
195 political subdivisions or any officer thereof. Any agency as  
196 defined in s. 120.52, any political subdivision, and any other  
197 person shall, upon request, provide the department any  
198 information relating to location, salary, insurance, social  
199 security, income tax, and employment history necessary to locate  
200 parents who owe or potentially owe a duty of support pursuant to  
201 Title IV-D of the Social Security Act. This provision shall  
202 expressly take precedence over any other statutory nondisclosure  
203 provision which limits the ability of an agency to disclose such  
204 information, except that law enforcement information as provided  
205 in s. 119.071(4)(d) is not required to be disclosed, and except  
206 that confidential taxpayer information possessed by the  
207 Department of Revenue shall be disclosed only to the extent  
208 authorized in s. 213.053(15). Nothing in this section requires  
209 the disclosure of information if such disclosure is prohibited  
210 by federal law. Information gathered or used by the parent  
211 locator service is confidential and exempt from the provisions  
212 of s. 119.07(1). Additionally, the department is authorized to  
213 collect any additional information directly bearing on the  
214 identity and whereabouts of a person owing or asserted to be  
215 owing an obligation of support for a dependent child. The  
216 department shall, upon request, make information available only  
217 to public officials and agencies of this state; political  
218 subdivisions of this state, including any agency thereof

Page 8 of 10

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0605-01-c1



HB 605

2006  
CS

219 providing child support enforcement services to non-Title IV-D  
220 clients; the custodial parent, legal guardian, attorney, or  
221 agent of the child; and other states seeking to locate parents  
222 who have deserted their children and other persons liable for  
223 support of dependents, for the sole purpose of establishing,  
224 modifying, or enforcing their liability for support, and shall  
225 make such information available to the Department of Children  
226 and Family Services for the purpose of diligent search  
227 activities pursuant to chapter 39. If the department has  
228 reasonable evidence of domestic violence or child abuse and the  
229 disclosure of information could be harmful to the custodial  
230 parent or the child of such parent, the child support program  
231 director or designee shall notify the Department of Children and  
232 Family Services and the Secretary of the United States  
233 Department of Health and Human Services of this evidence. Such  
234 evidence is sufficient grounds for the department to disapprove  
235 an application for location services.

236 Section 3. The Legislature finds that it is a public  
237 necessity that the home addresses, telephone numbers, and  
238 photographs of current or former juvenile probation officers,  
239 juvenile probation supervisors, detention superintendents,  
240 assistant detention superintendents, senior juvenile detention  
241 officers, juvenile detention officer supervisors, juvenile  
242 detention officers, house parents I and II, house parent  
243 supervisors, group treatment leaders, group treatment leader  
244 supervisors, and rehabilitation therapists of the Department of  
245 Juvenile Justice, the names, home addresses, telephone numbers,  
246 and places of employment of spouses and children of such

HB 605

2006  
CS

247 personnel, and the names and locations of schools and day care  
248 facilities attended by the children of such personnel be made  
249 exempt from public records requirements if the Department of  
250 Juvenile Justice personnel member seeking the exemption provides  
251 a written statement that he or she has made reasonable efforts  
252 to protect such information from being accessible through other  
253 means available to the public. This exemption is justified  
254 because, if such information were not made exempt from public  
255 records requirements, a juvenile probation officer, juvenile  
256 probation supervisor, detention superintendent, assistant  
257 detention superintendent, senior juvenile detention officer,  
258 juvenile detention officer supervisor, juvenile detention  
259 officer, house parent, house parent supervisor, group treatment  
260 leader, group treatment leader supervisor, or rehabilitation  
261 therapist of the Department of Juvenile Justice or his or her  
262 family could be harmed or threatened with harm by a juvenile  
263 defendant or by a friend or family member of a juvenile  
264 defendant.

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