

CHAMBER ACTION

1 The Juvenile Justice 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,
17 rehabilitation therapists, and social services counselors
18 of the Department of Juvenile Justice, the names, home
19 addresses, telephone numbers, and places of employment of
20 spouses and children of such personnel, and the names and
21 locations of schools and day care facilities attended by
22 the children of such personnel; providing for review and
23 repeal; reenacting s. 409.2577, F.S., relating to

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

29

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

31

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

34 119.071 General exemptions from inspection or copying of
 35 public records.--

36 (4) AGENCY PERSONNEL INFORMATION.--

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

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

78 | 2. The home addresses, telephone numbers, social security
79 | numbers, and photographs of current or former human resource,

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

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

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

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

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135 unless reviewed and saved from repeal through reenactment by the
136 Legislature.

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

150 7. The home addresses, telephone numbers, and photographs
151 of current or former juvenile probation officers, juvenile
152 probation supervisors, detention superintendents, assistant
153 detention superintendents, senior juvenile detention officers,
154 juvenile detention officer supervisors, juvenile detention
155 officers, house parents I and II, house parent supervisors,
156 group treatment leaders, group treatment leader supervisors,
157 rehabilitation therapists, and social services counselors of the
158 Department of Juvenile Justice, the names, home addresses,
159 telephone numbers, and places of employment of spouses and
160 children of such personnel, and the names and locations of
161 schools and day care facilities attended by the children of such
162 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of

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163 | the State Constitution. This subparagraph is subject to the Open
164 | Government Sunset Review Act in accordance with s. 119.15 and
165 | shall stand repealed on October 2, 2011, unless reviewed and
166 | saved from repeal through reenactment by the Legislature.

167 | ~~8.7.~~ An agency that is the custodian of the personal
168 | information specified in subparagraph 1., subparagraph 2.,
169 | subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~
170 | subparagraph 6., or subparagraph 7. and that is not the employer
171 | of the officer, employee, justice, judge, or other person
172 | specified in subparagraph 1., subparagraph 2., subparagraph 3.,
173 | subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or
174 | subparagraph 7. shall maintain the exempt status of the personal
175 | information only if the officer, employee, justice, judge, other
176 | person, or employing agency of the designated employee submits a
177 | written request for maintenance of the exemption to the
178 | custodial agency.

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

183 | 409.2577 Parent locator service.--The department shall
184 | establish a parent locator service to assist in locating parents
185 | who have deserted their children and other persons liable for
186 | support of dependent children. The department shall use all
187 | sources of information available, including the Federal Parent
188 | Locator Service, and may request and shall receive information
189 | from the records of any person or the state or any of its
190 | political subdivisions or any officer thereof. Any agency as

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

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219 | modifying, or enforcing their liability for support, and shall
220 | make such information available to the Department of Children
221 | and Family Services for the purpose of diligent search
222 | activities pursuant to chapter 39. If the department has
223 | reasonable evidence of domestic violence or child abuse and the
224 | disclosure of information could be harmful to the custodial
225 | parent or the child of such parent, the child support program
226 | director or designee shall notify the Department of Children and
227 | Family Services and the Secretary of the United States
228 | Department of Health and Human Services of this evidence. Such
229 | evidence is sufficient grounds for the department to disapprove
230 | an application for location services.

231 | Section 3. The Legislature finds that it is a public
232 | necessity that the home addresses, telephone numbers, and
233 | photographs of current or former juvenile probation officers,
234 | juvenile probation supervisors, detention superintendents,
235 | assistant detention superintendents, senior juvenile detention
236 | officers, juvenile detention officer supervisors, juvenile
237 | detention officers, house parents I and II, house parent
238 | supervisors, group treatment leaders, group treatment leader
239 | supervisors, rehabilitation therapists, and social services
240 | counselors of the Department of Juvenile Justice, the names,
241 | home addresses, telephone numbers, and places of employment of
242 | spouses and children of such personnel, and the names and
243 | locations of schools and day care facilities attended by the
244 | children of such personnel be made exempt from public records
245 | requirements. This exemption is justified because, if such
246 | information were not made exempt from public records

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247 requirements, a juvenile probation officer, juvenile probation
248 supervisor, detention superintendent, assistant detention
249 superintendent, senior juvenile detention officer, juvenile
250 detention officer supervisor, juvenile detention officer, house
251 parent, house parent supervisor, group treatment leader, group
252 treatment leader supervisor, rehabilitation therapist, or social
253 services counselor of the Department of Juvenile Justice or his
254 or her family could be harmed or threatened with harm by a
255 juvenile defendant or by a friend or family member of a juvenile
256 defendant.

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