

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

24
25 Be It Enacted by the Legislature of the State of Florida:
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27 Section 1. Paragraph (d) of subsection (4) of section
28 119.071, Florida Statutes, is amended to read:

29 119.071 General exemptions from inspection or copying of
30 public records.--

31 (4) AGENCY PERSONNEL INFORMATION.--

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

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

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

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

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

103 | 4. The home addresses, telephone numbers, social security
104 | numbers, and photographs of current or former judges of United
105 | States Courts of Appeal, United States district judges, and
106 | United States magistrate judges; the home addresses, telephone
107 | numbers, social security numbers, photographs, and places of

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

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

132 6. The home addresses, telephone numbers, places of
133 employment, and photographs of current or former guardians ad
134 litem, as defined in s. 39.820, and the names, home addresses,

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

145 7. The home addresses, telephone numbers, and photographs
146 of current or former juvenile probation officers, juvenile
147 probation supervisors, detention superintendents, assistant
148 detention superintendents, senior juvenile detention officers,
149 juvenile detention officer supervisors, juvenile detention
150 officers, house parents I and II, house parent supervisors,
151 group treatment leaders, group treatment leader supervisors,
152 rehabilitation therapists, and social services counselors of the
153 Department of Juvenile Justice, the names, home addresses,
154 telephone numbers, and places of employment of spouses and
155 children of such personnel, and the names and locations of
156 schools and day care facilities attended by the children of such
157 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
158 the State Constitution. This subparagraph is subject to the Open
159 Government Sunset Review Act in accordance with s. 119.15 and
160 shall stand repealed on October 2, 2011, unless reviewed and
161 saved from repeal through reenactment by the Legislature.

162 ~~8.7.~~ An agency that is the custodian of the personal
163 information specified in subparagraph 1., subparagraph 2.,
164 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~
165 subparagraph 6., or subparagraph 7. and that is not the employer
166 of the officer, employee, justice, judge, or other person
167 specified in subparagraph 1., subparagraph 2., subparagraph 3.,
168 subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or
169 subparagraph 7. shall maintain the exempt status of the personal
170 information only if the officer, employee, justice, judge, other
171 person, or employing agency of the designated employee submits a
172 written request for maintenance of the exemption to the
173 custodial agency.

174 Section 2. For the purpose of incorporating the amendment
175 made by this act to section 119.071, Florida Statutes, in a
176 reference thereto, section 409.2577, Florida Statutes, is
177 reenacted to read:

178 409.2577 Parent locator service.--The department shall
179 establish a parent locator service to assist in locating parents
180 who have deserted their children and other persons liable for
181 support of dependent children. The department shall use all
182 sources of information available, including the Federal Parent
183 Locator Service, and may request and shall receive information
184 from the records of any person or the state or any of its
185 political subdivisions or any officer thereof. Any agency as
186 defined in s. 120.52, any political subdivision, and any other
187 person shall, upon request, provide the department any
188 information relating to location, salary, insurance, social

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

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

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

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

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