

ENROLLED  
HB 605, Engrossed 1

2006 Legislature

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

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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,

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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

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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,

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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.

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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

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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



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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

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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.