

By the Committee on Community Affairs

578-02101-09

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.071, F.S.; revising
4 an exemption under the public-records law for
5 information that would identify a child participating
6 in a government-sponsored recreation program; defining
7 the terms "government-sponsored recreation program"
8 and "child"; providing that such information is
9 confidential and exempt from the public-records law;
10 providing an exception; providing for future
11 legislative review and repeal of the exemption;
12 providing a statement of public necessity; repealing
13 s. 2 of chapter 2004-32, Laws of Florida, deleting
14 provisions providing for repeal of the exemption;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Paragraph (c) of subsection (5) of section
20 119.071, Florida Statutes, is amended to read:

21 119.071 General exemptions from inspection or copying of
22 public records.—

23 (5) OTHER PERSONAL INFORMATION.—

24 (c)1. As used in this paragraph, the term "government-
25 sponsored recreation program" includes, but is not limited to,
26 after-school programs, athletic programs, nature programs,
27 camps, or other recreational programs for which an agency
28 assumes responsibility for a child participating in the program.
29 The term "child" means any person younger than 18 years of age,

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30 including persons declared emancipated by a court of competent
31 jurisdiction.

32 2. Any information that would identify or help to locate a
33 child who participates in a government-sponsored recreation
34 program ~~programs or camps~~ or the parents or guardians of such
35 child, including, but not limited to, the name, home address,
36 telephone number, social security number, or photograph of the
37 child; the names and locations of schools attended by such
38 child; and the names, home addresses, and social security
39 numbers of parents or guardians of such child, is confidential
40 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
41 Constitution. Information made exempt under ~~pursuant to~~ this
42 subparagraph ~~paragraph~~ may be disclosed by court order upon a
43 showing of good cause. This exemption applies to records held
44 before, on, or after the effective date of this exemption.

45 3. This paragraph is subject to the Open Government Sunset
46 Review Act in accordance with s. 119.15, and shall stand
47 repealed on October 2, 2014, unless reviewed and saved from
48 repeal through reenactment by the Legislature.

49 Section 2. The Legislature finds that it is a public
50 necessity that any information that would identify or help to
51 locate a child who participates in a government-sponsored
52 recreation program or the parents or guardians of such child,
53 including, but not limited to, the name, home address, telephone
54 number, social security number, and photograph of such child, be
55 held confidential and exempt from public-records requirements
56 because revealing such information could create the opportunity
57 for stalking, harassment, abduction, or abuse of such child.
58 Information that identifies a child participating in a

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59 government-sponsored recreation program could be used to
60 directly locate that child. Information that identifies a parent
61 or guardian of a child participating in a government-sponsored
62 recreation program could be used indirectly to locate such
63 child. In addition, the Legislature finds that it is a public
64 necessity to clarify the definition of the terms "government-
65 sponsored recreation program" and "child" in order to provide
66 for uniformity in the application of the public-records
67 exemption created in section 1 of this act so that every child
68 participating in a government-sponsored recreation program is
69 provided the same protection. Furthermore, the Legislature finds
70 that it is a public necessity to provide that information
71 identifying a child or the parents of a child that participates
72 in a government-sponsored recreation program is confidential and
73 exempt so that the limited circumstance under which such
74 information may be obtained applies in every instance to a
75 government-sponsored recreation program.

76 Section 3. Section 2 of chapter 2004-32, Laws of Florida,
77 is repealed.

78 Section 4. This act shall take effect October 1, 2009.