

By Senator Garcia

39-1095-02

See HB 431

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.07, F.S.; providing an exemption from
4 public records requirements for specified
5 identifying information relating to the staff
6 and certified volunteers of the child guardian
7 ad litem programs and their spouses and
8 children; providing for future review and
9 repeal; providing a finding of public
10 necessity; providing an effective date.

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

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14 Section 1. Paragraph (i) of subsection (3) of section
15 119.07, Florida Statutes, as amended by section 1 of chapter
16 2001-364, Laws of Florida, is amended to read:

17 119.07 Inspection, examination, and duplication of
18 records; exemptions.--

19 (3)

20 (i)1. The home addresses, telephone numbers, social
21 security numbers, and photographs of active or former law
22 enforcement personnel, including correctional and correctional
23 probation officers, personnel of the Department of Children
24 and Family Services whose duties include the investigation of
25 abuse, neglect, exploitation, fraud, theft, or other criminal
26 activities, personnel of the Department of Health whose duties
27 are to support the investigation of child abuse or neglect,
28 and personnel of the Department of Revenue or local
29 governments whose responsibilities include revenue collection
30 and enforcement or child support enforcement; the home
31 addresses, telephone numbers, social security numbers,

1 photographs, and places of employment of the spouses and
2 children of such personnel; and the names and locations of
3 schools and day care facilities attended by the children of
4 such personnel are exempt from the provisions of subsection
5 (1). The home addresses, telephone numbers, and photographs of
6 firefighters certified in compliance with s. 633.35; the home
7 addresses, telephone numbers, photographs, and places of
8 employment of the spouses and children of such firefighters;
9 and the names and locations of schools and day care facilities
10 attended by the children of such firefighters are exempt from
11 subsection (1). The home addresses and telephone numbers of
12 justices of the Supreme Court, district court of appeal
13 judges, circuit court judges, and county court judges; the
14 home addresses, telephone numbers, and places of employment of
15 the spouses and children of justices and judges; and the names
16 and locations of schools and day care facilities attended by
17 the children of justices and judges are exempt from the
18 provisions of subsection (1). The home addresses, telephone
19 numbers, social security numbers, and photographs of current
20 or former state attorneys, assistant state attorneys,
21 statewide prosecutors, or assistant statewide prosecutors; the
22 home addresses, telephone numbers, social security numbers,
23 photographs, and places of employment of the spouses and
24 children of current or former state attorneys, assistant state
25 attorneys, statewide prosecutors, or assistant statewide
26 prosecutors; and the names and locations of schools and day
27 care facilities attended by the children of current or former
28 state attorneys, assistant state attorneys, statewide
29 prosecutors, or assistant statewide prosecutors are exempt
30 from subsection (1) and s. 24(a), Art. I of the State
31 Constitution.

1 2. The home addresses, telephone numbers, social
2 security numbers, and photographs of current or former human
3 resource, labor relations, or employee relations directors,
4 assistant directors, managers, or assistant managers of any
5 local government agency or water management district whose
6 duties include hiring and firing employees, labor contract
7 negotiation, administration, or other personnel-related
8 duties; the names, home addresses, telephone numbers, social
9 security numbers, photographs, and places of employment of the
10 spouses and children of such personnel; and the names and
11 locations of schools and day care facilities attended by the
12 children of such personnel are exempt from subsection (1) and
13 s. 24(a), Art. I of the State Constitution. This subparagraph
14 is subject to the Open Government Sunset Review Act of 1995 in
15 accordance with s. 119.15, and shall stand repealed on October
16 2, 2006, unless reviewed and saved from repeal through
17 reenactment by the Legislature.

18 3. The home addresses, telephone numbers, social
19 security numbers, and photographs of current or former code
20 enforcement officers; the names, home addresses, telephone
21 numbers, social security numbers, photographs, and places of
22 employment of the spouses and children of such persons; and
23 the names and locations of schools and day care facilities
24 attended by the children of such persons are exempt from
25 subsection (1) and s. 24(a), Art. I of the State Constitution.
26 This subparagraph is subject to the Open Government Sunset
27 Review Act of 1995 in accordance with s. 119.15, and shall
28 stand repealed on October 2, 2006, unless reviewed and saved
29 from repeal through reenactment by the Legislature.

30 4. The home addresses, telephone numbers, social
31 security numbers, and photographs of current or former staff

1 and certified volunteers of the child guardian ad litem
2 programs; the names, home addresses, telephone numbers, social
3 security numbers, photographs, and places of employment of the
4 spouses and children of such persons; and the names and
5 locations of schools and day care facilities attended by the
6 children of such persons are exempt from subsection (1) and s.
7 24(a), Art. I of the State Constitution. This subparagraph is
8 subject to the Open Government Sunset Review Act of 1995 in
9 accordance with s. 119.15 and shall stand repealed on October
10 2, 2007, unless reviewed and saved from repeal through
11 reenactment by the Legislature.

12 5.4. An agency that is the custodian of the personal
13 information specified in subparagraph 1., subparagraph 2., ~~or~~
14 subparagraph 3., or subparagraph 4.and that is not the
15 employer of the officer, employee, justice, judge, or other
16 person specified in subparagraph 1., subparagraph 2., ~~or~~
17 subparagraph 3., or subparagraph 4.shall maintain the
18 confidentiality of the personal information only if the
19 officer, employee, justice, judge, other person, or employing
20 agency of the designated employee submits a written request
21 for confidentiality to the custodial agency.

22 Section 2. The Legislature finds that the exemption
23 from public records requirements provided by this act for
24 identifying information relating to current and former staff
25 and certified volunteers of the child guardian ad litem
26 programs, and such persons' spouses and children, is a public
27 necessity because the availability of personal information
28 regarding such persons could threaten their safety in that
29 they would be vulnerable to threats, harassment, intimidation,
30 or the risk of personal injury. The duties of the staff and
31 certified volunteers of the child guardian ad litem programs

1 often require investigation, interviewing witnesses, viewing
2 evidence, and reporting to the circuit court with respect to
3 the best interest of a child where allegations of abuse or
4 neglect, family disputes, termination of parental rights, and
5 family criminal matters are involved. In the past, performance
6 of these duties has resulted in threats to such staff and
7 certified volunteers. In order to ensure the health and safety
8 of such persons, the staff and certified volunteers of the
9 child guardian ad litem programs should be afforded the same
10 protection provided to those individuals identified in s.
11 119.07(3)(i)1., Florida Statutes, whose duties include
12 investigation of child abuse and neglect or other criminal
13 activities involving children.

14 Section 3. This act shall take effect July 1, 2002.

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17 LEGISLATIVE SUMMARY

18 Provides an exemption from public records requirements
19 for identifying information relating to the staff and
20 certified volunteers of the child guardian ad litem
programs and their spouses and children. Provides for
future review and repeal.

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