By the Committees on Governmental Oversight and Productivity; Children and Families; and Senator Atwater

302-2639-04

1   A bill to be entitled

2   An act relating to a public records exemption

3   for identifying information; amending s.

4   125.901, F.S.; providing that personal

5   identifying information of a child or the

6   child's parent or guardian held by a children's

7   service council, juvenile welfare board, or

8   other entity created under that section or by

9   special law is exempt from the requirement that

10   public records be open to inspection and

11   duplication; providing for retroactive

12   application; providing for future repeal and

13   legislative review under the Open Government

14   Sunset Review Act of 1995; providing a

15   statement of public necessity; providing an

16   effective date.

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

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20   Section 1. Subsection (11) is added to section

21   125.901, Florida Statutes, to read:

22   125.901 Children's services; independent special

23   district; council; powers, duties, and functions.--

24   (11)(a) Personal identifying information of a child or

25   the child's parent or guardian, held by a children's service

26   council, juvenile welfare board, or other similar entity

27   created under this section or by special law, or held by a

28   service provider or researcher under contract with such

29   entity, is exempt from s. 119.07(1) and s. 24(a), Art. I of

30   the State Constitution. This exemption applies to such

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1 personal identifying information held on, before, or after the

2 effective date of this exemption.

3   (b) This subsection is subject to the Open Government

4 Sunset Review Act of 1995 in accordance with s. 119.15, and

5 shall stand repealed on October 2, 2009, unless reviewed and

6 saved from repeal through reenactment by the Legislature.

7   Section 2. The Legislature finds that it is a public

8 necessity that personal identifying information of a child or

9 the child's parent or guardian held by a children's service

10 council, juvenile welfare board, or other similar entity

11 created under section 125.901, Florida Statutes, or by special

12 law, or held by a service provider or researcher under

13 contract with such entity, must be exempt from section

14 119.07(1), Florida Statutes, and Section 24(a) of Article I of

15 the State Constitution. The Legislature finds that public

16 availability of information that directly reveals the identity

17 of a child, or that indirectly identifies the child through

18 the identification of the child's parent or guardian, would be

19 contrary to the state's compelling interest in protecting the

20 public safety. The Legislature finds that it is necessary to

21 exempt such personal identifying information so that such

22 information cannot be used to facilitate stalking, harassment,

23 abduction, or abuse of any child who is the subject of such

24 information. The Legislature finds that this interest

25 outweighs any public benefit derived from releasing such

26 identifying information. The Legislature further finds that

27 nonidentifying information regarding services provided to, or

28 research concerning, children shall not be exempted from

29 disclosure by this act.

30   Section 3. This act shall take effect July 1, 2004.

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1   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
                     COMMITTEE SUBSTITUTE FOR
2   CS/SB 2704

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4 Narrows the breadth of the exemption and clarifies it.

5 Provides that personal identifying information of a child or
   the child's parent or guardian, held by a children's service
6 council, juvenile welfare board, or other similar entity
   created under s. 125.901, F.S., or by special law, or held by
7 a service provider or researcher under contract with such
   entity, is exempt.

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