

Committee Substitute for Senate Bill No. 772

An act relating to public records; providing an exemption from the public-records requirements for information in the possession of a non-Title IV-D county child-support-enforcement agency which reveals the identity of applicants for and recipients of child-support services; providing exceptions; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. (1) Any information that reveals the identity of applicants for or recipients of child-support services, including the name, address, and telephone number of such persons, in the possession of a non-Title IV-D county child-support-enforcement agency is confidential and exempt from public disclosure pursuant to section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution. The use or disclosure of such information by the non-Title IV-D county child-support-enforcement agency is limited to the purposes directly connected with:

(a) Any investigation, prosecution, or criminal or civil proceeding connected with the administration of any non-Title IV-D county child-support-enforcement program;

(b) Mandatory disclosure of identifying and location information as provided in section 61.13(9), Florida Statutes, by the non-Title IV-D county child-support-enforcement agency when providing non-Title IV-D services;
or

(c) Mandatory disclosure of information as required by sections 409.2577, 61.181, 61.1825, and 61.1826, Florida Statutes, and Title IV-D of the Social Security Act.

(d) Disclosure to an authorized person, as defined in Title 45 C.F.R. s. 303.15, for purposes of enforcing any state or federal law with respect to the unlawful taking or restraint of a child or making or enforcing a child custody or visitation determination. As used in this paragraph, the term "authorized person" includes a noncustodial parent, unless a court has entered an order under s. 741.30, s. 741.31, or s. 784.046.

(2) The Non-Title IV-D county child-support-enforcement agency shall not disclose information that identifies by name and address an applicant for or recipient of child-support services or the whereabouts of such party or child to another person against whom a protective order with respect to the former party or the child has been entered if the county agency has reason to believe that the release of information to such person could result in physical or emotional harm to the party or the child.

(3) As used in this section, "Non-Title IV-D county child-support-enforcement agency" means a department, division, or other agency of a

county government which is operated by the county, excluding local depositories pursuant to section 61.181, Florida Statutes, operated by the clerk of the court, to provide child-support-enforcement and depository services to county residents.

(4) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that all identifying information concerning applicants for and recipients of child support services which is in the possession of any non-Title IV-D county child support enforcement agency be held confidential and exempt. The Legislature recognizes that all persons served by a non-Title IV-D county child support enforcement agency are eligible to receive services from the Department of Revenue, the state's Title IV-D agency. The Legislature further recognizes that information concerning applicants for and recipients of child support services who are served by a non-Title IV-D county child support enforcement agency would otherwise be confidential and exempt from disclosure pursuant to section 409.2579, Florida Statutes, if served by the Department of Revenue. Therefore, because provision of child support services by a non-Title IV-D county child support enforcement agency provides a useful and appropriate alternative to the child support services provided by the state, the Legislature finds that persons served by a non-Title IV-D county child support enforcement agency should be entitled to disclosure protections similar to those afforded to persons receiving child support services from the state. Additionally, the Legislature finds that many of the child support enforcement cases handled by a non-Title IV-D county child support enforcement agency are also domestic violence cases. In such cases, agency clients have been subjected to domestic violence or abuse and fear for their lives and those of their minor children. The Legislature further finds that federal and state law currently prohibit the disclosure of information concerning clients served by the Title IV-D cases when a protective order has been issued or the Title IV-D agency has reason to believe that disclosure of information may result in physical or emotional harm to the client or child, and the Legislature wishes to extend similar protections to the clients of non-Title IV-D county child support enforcement agencies. Therefore, the Legislature determines that any benefit that could occur from public disclosure of the information concerning applicants for or recipients of child support services from non-Title IV-D county child support enforcement agencies is outweighed by the risk of harm to the clients and their children and that there is present need to exempt such information from disclosure under the public-records laws of this state.

Section 3. This act shall take effect July 1, 2001.

Approved by the Governor June 1, 2001.

Filed in Office Secretary of State June 1, 2001.