

House Bill No. 635

An act relating to a public records exemption; amending s. 119.07, F.S.; providing an exemption from public records requirements for information that would identify or help to locate a child who participates in government-sponsored recreation programs or camps or the parents or guardians of such child, including, but not limited to, the name, home address, telephone number, social security number, and photograph of such child, the names and locations of schools attended by such child, and the names, home addresses, telephone numbers, and social security numbers of the parents or guardians of such child; providing for disclosure of such information by court order upon a showing of good cause; providing for retroactive effect of the exemption; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (hh) is added to subsection (3) of section 119.07, Florida Statutes, to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(hh) Any information that would identify or help to locate a child who participates in government-sponsored recreation programs or camps or the parents or guardians of such child, including, but not limited to, the name, home address, telephone number, social security number, or photograph of the child; the names and locations of schools attended by such child; and the names, home addresses, and social security numbers of parents or guardians of such child is exempt from subsection (1) and s. 24(a), Art. I of the State Constitution. Information made exempt pursuant to this paragraph may be disclosed by court order upon a showing of good cause. This exemption applies to records held before, on, or after the effective date of this exemption.

Section 2. Paragraph (hh) of subsection (3) of s. 119.07, Florida Statutes, is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that it is a public necessity that any information that would identify or help to locate a child who participates in government-sponsored recreation programs or camps or the parents or guardians of such child, including, but not limited to, the name, home address, telephone number, social security number, and photograph of such

child, the names and locations of the schools attended by such child, and the names, home addresses, and social security numbers of the parents or guardians of such child, be held exempt from public records requirements because revealing such information could create the opportunity for stalking, harrassment, abduction, or abuse of such children. Information that identifies a child in a government-sponsored recreation program or camp could be used directly to locate that child. Information that identifies a parent or guardian of such a child could be used indirectly to lead to the location of the child. As the public availability of this information could create the opportunity for stalking, harrassment, abduction, or abuse of these children, it would be contrary to the state's compelling interest in preserving the public safety to permit the release of such information. Protecting such personal identifying information of these children and their parents or guardians helps to minimize the opportunity for stalking, harrassment, abduction, or abuse and thus it is a public necessity that such information be held confidential and exempt from public records requirements.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor May 11, 2004.

Filed in Office Secretary of State May 11, 2004.