

Committee Substitute for
Committee Substitute for Senate Bill No. 2704

An act relating to a public records exemption for identifying information; amending s. 125.901, F.S.; providing that personal identifying information of a child or the child's parent or guardian held by a children's service council, juvenile welfare board, or other entity created under that section or by special law is exempt from the requirement that public records be open to inspection and duplication; providing for retroactive application; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (11) is added to section 125.901, Florida Statutes, to read:

125.901 Children's services; independent special district; council; powers, duties, and functions.—

(11)(a) Personal identifying information of a child or the child's parent or guardian, held by a children's service council, juvenile welfare board, or other similar entity created under this section or by special law, or held by a service provider or researcher under contract with such entity, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such personal identifying information held on, before, or after the effective date of this exemption.

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subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that personal identifying information of a child or the child's parent or guardian held by a children's service council, juvenile welfare board, or other similar entity created under section 125.901, Florida Statutes, or by special law, or held by a service provider or researcher under contract with such entity, must be exempt from section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution. The Legislature finds that public availability of information that directly reveals the identity of a child, or that indirectly identifies the child through the identification of the child's parent or guardian, would be contrary to the state's compelling interest in protecting the public safety. The Legislature finds that it is necessary to exempt such personal identifying information so that such information cannot be used to facilitate stalking, harassment, abduction, or abuse of any child who is the subject of such information. The Legislature finds that this interest outweighs any public benefit derived from releasing such identifying informa-

tion. The Legislature further finds that nonidentifying information regarding services provided to, or research concerning, children shall not be exempted from disclosure by this act.

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

Approved by the Governor May 21, 2004.

Filed in Office Secretary of State May 21, 2004.