

By the Committee on Judiciary; and Senator Burt

308-2206-02

1 A bill to be entitled
2 An act relating to public records; exempting
3 from public-records requirements complaints
4 filed with the Statewide Complaint Receipt and
5 Referral Center; providing guidelines for the
6 use of such information; providing for public
7 necessity; exempting from public-records
8 requirements the name of any student who
9 reports the presence of illegal drugs, weapons,
10 or firearms on or off any school campus or who
11 reports impending or suspected activities that
12 may result in injury to any person on or off
13 any school campus; providing guidelines for the
14 use of such information; providing a finding of
15 public necessity; providing effective dates.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Notification of fraud complaint; public
20 records exemptions.--Information contained in a compliant
21 filed with the Statewide Complaint Receipt and Referral Center
22 is active criminal intelligence and active criminal
23 investigative information to assist law enforcement agencies
24 in the investigation and prosecution of crime and is
25 confidential and exempt from section 119.07(1), Florida
26 Statutes, and Section 24(a), Article I of the State
27 Constitution. When the complaint is no longer active criminal
28 intelligence or active criminal investigative information, the
29 personal identifying information concerning the complainant,
30 including address, date of birth, social security number,
31 financial account numbers or other financial account

1 information, credit card or debit card information, credit
2 history or credit history reports, and mother's maiden name is
3 confidential and exempt from section 119.07(1), Florida
4 Statutes, and Section 24(a), Article I of the State
5 constitution. Such information may be used by the Statewide
6 Complaint Receipt and Referral Center to carry out the duties
7 of the center and the purposes of the Fraud Prevention Unit in
8 the Office of the Attorney General. The exempt information may
9 be disclosed to another governmental entity or its agents,
10 employees, or contractors if disclosure is necessary for the
11 receiving entity to perform its duties and responsibilities.
12 The receiving governmental entity and its agents, employees,
13 and contractors shall maintain the confidential and exempt
14 status of information. The exempt information may be provided
15 to any other person or entity only with the express written
16 consent of the complainant or pursuant to court order. This
17 section is subject to the Open Government Sunset Review Act of
18 1995 in accordance with section 119.15, Florida Statutes, and
19 shall stand repealed October 2, 2007, unless reviewed and
20 saved from repeal through reenactment by the Legislature.

21 Section 2. The Legislature finds that the exemption
22 from public-records requirements provided in this act is a
23 public necessity, and that it would inhibit active criminal
24 investigations or the obtaining of criminal investigative
25 information if the complaints were not exempt during the
26 pendency of any criminal investigation. Further, the failure
27 to exempt personal identifying information contained in a
28 complaint beyond the termination of a criminal investigation
29 would be an invasion of a complainant's privacy. Making the
30 personal information in a complaint publicly available may
31 further expose the complainant to fraud, including identity

1 theft. Furthermore, the Legislature finds that failure to
2 protect the confidentiality of any personal information
3 submitted to or collected by the Statewide Complaint Receipt
4 and Referral Center pursuant to this act, including the
5 complainant's address, date of birth, social security number,
6 financial account numbers or other financial account
7 information, credit card or debit card information, credit
8 history or credit history reports, and mother's maiden name,
9 would deter the reporting of this information and would
10 prevent the center and the appropriate law enforcement and
11 business entities from effectively identifying the scope of
12 fraud, developing strategies to respond to fraud, providing
13 information to the public concerning fraud schemes, assisting
14 victims in restoring their credit and name to their original
15 status, and carrying out the other purposes of the Statewide
16 Complaint Receipt and Referral Center.

17 Section 3. Subsection (4) is added to section 230.235,
18 Florida Statutes, to read:

19 230.235 Policy of zero tolerance for crime
20 victimization.--

21 (4) The name of any student who reports the presence
22 of illegal drugs as defined in chapter 893 or weapons or
23 firearms as defined by chapter 790, on or off any school
24 campus, or who reports impending or suspected activities that
25 may result in injury to any person on or off any school
26 campus, held by a school principal or his or staff shall be
27 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
28 I of the State Constitution. Such exempt information shall not
29 be disclosed to any person or entity not approved by the
30 school principal or the school principal's designee, except to
31 the reporting student's parent or legal guardian or to law

1 enforcement authorities if such identity is requested. If
2 information made exempt by this subsection is used in a
3 criminal, civil, or administrative proceeding, the exempt
4 status of such information must be maintained. This exemption
5 applies to such information held by a school principal or his
6 or her staff before, on, or after the effective date of this
7 exemption. This exemption is made subject to the Open
8 Government Sunset Review Act of 1995 in accordance with s.
9 119.15, and shall stand repealed on October 2, 2007, unless
10 reviewed and saved from repeal through reenactment by the
11 Legislature.

12 Section 4. The Legislature finds that it is a public
13 necessity that the name of a student who reports the presence
14 of illegal drugs or dangerous weapons or who reports impending
15 or suspected activities that may result in injury to any
16 person be held exempt from disclosure by a school principal or
17 his or her staff because release of the reporting student's
18 name could place that student in danger. Furthermore, release
19 of such student's name would impair the effective and
20 efficient administration of any school program designed to
21 provide students with the opportunity to anonymously report
22 illegal activities that might take place on or off a school
23 campus. Without anonymity, students would most likely be
24 reluctant to participate in such program.

25 Section 5. This act shall take effect upon becoming a
26 law, except that sections 1 and 2 shall take effect on the
27 effective date of Committee Substitute for Senate Bill 1316 or
28 similar legislation, and sections 1 and 2 shall not take
29 effect if such legislation does not become a law.

30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1642

The committee substitute creates two public records exemption.

The first provides that a complaint filed with the Statewide Complaint Receipt and Referral Center created in SB 1316 is active criminal intelligence information and active criminal investigative information and is exempt from chapter 119, F.S. and s. 24(a), Article I of the constitution during the time they are active. Upon the termination of the status of the complaint as active criminal intelligence information and active criminal investigative information the personal identifying information contained in the records becomes exempt. The bill then specifies who may obtain the exempt information and for what purpose.

Second the committee substitute provides that the identity of a student who reports the presence of illegal drugs or weapons or firearms on or off any school campus or who reports impending or suspected activities that may result in injury to any person on or off any school campus is exempt from chapter 119 and s. 24(a), Article I of the constitution. The bill provides who may obtain the name of the child and provides that if the exempt information is used in a criminal, civil, or administrative proceeding, the exempt status of such information must be maintained.