

By Representative Harrell

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 future  
7           review and repeal; providing a finding of  
8           public necessity; providing a contingent  
9           effective date.

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

Section 1. Notification of fraud complaint; public records exemptions.--Information contained in a complaint filed with the Statewide Complaint Receipt and Referral Center is active criminal intelligence and active criminal investigative information to assist law enforcement agencies in the investigation and prosecution of crime and is confidential and exempt from section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution. When the complaint is no longer active criminal intelligence or active criminal investigative information, the personal identifying information concerning the complainant, including address, date of birth, social security number, financial account numbers or other financial account information, credit card or debit card information, credit history or credit history reports, and mother's maiden name is confidential and exempt from section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State constitution. Such information may be used by the Statewide Complaint Receipt and Referral Center to carry out the duties

1 of the center and the purposes of the Fraud Prevention Unit in  
2 the Office of the Attorney General. The exempt information may  
3 be disclosed to another governmental entity or its agents,  
4 employees, or contractors if disclosure is necessary for the  
5 receiving entity to perform its duties and responsibilities.  
6 The receiving governmental entity and its agents, employees,  
7 and contractors shall maintain the confidential and exempt  
8 status of information. The exempt information may be provided  
9 to any other person or entity only with the express written  
10 consent of the complainant or pursuant to court order. This  
11 section is subject to the Open Government Sunset Review Act of  
12 1995 in accordance with section 119.15, Florida Statutes, and  
13 shall stand repealed October 2, 2007, unless reviewed and  
14 saved from repeal through reenactment by the Legislature.

15       Section 2. The Legislature finds that the exemption  
16 from public-records requirements provided in this act is a  
17 public necessity, and that it would inhibit active criminal  
18 investigations or the obtaining of criminal investigative  
19 information if the complaints were not exempt during the  
20 pendency of any criminal investigation. Further, the failure  
21 to exempt personal identifying information contained in a  
22 complaint beyond the termination of a criminal investigation  
23 would be an invasion of a complainant's privacy. Making the  
24 personal information in a complaint publicly available may  
25 further expose the complainant to fraud, including identity  
26 theft. Furthermore, the Legislature finds that failure to  
27 protect the confidentiality of any personal information  
28 submitted to or collected by the Statewide Complaint Receipt  
29 and Referral Center pursuant to this act, including the  
30 complainant's 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,  
3 would deter the reporting of this information and would  
4 prevent the center and the appropriate law enforcement and  
5 business entities from effectively identifying the scope of  
6 fraud, developing strategies to respond to fraud, providing  
7 information to the public concerning fraud schemes, assisting  
8 victims in restoring their credit and name to their original  
9 status, and carrying out the other purposes of the Statewide  
10 Complaint Receipt and Referral Center.

11 Section 3. This act shall take effect on the effective  
12 date of Senate Bill 34-E or similar legislation, and shall not  
13 take effect if such legislation does not become a law.

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16 SENATE SUMMARY

17 Exempts from the public-records law information contained  
18 in a complaint filed with the Statewide Complaint Receipt  
19 and Referral Center. Provides certain exceptions.  
Provides for repeal and legislative review under the Open  
Government Sunset Review Act of 1995.

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