By Senator Burt

16-2394-02 A bill to be entitled 1 2 An act relating to public records; exempting 3 from public-records requirements complaints filed with the Statewide Complaint Receipt and 4 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 effective date. 9 10 11 Be It Enacted by the Legislature of the State of Florida: 12 13 Section 1. Notification of fraud complaint; public 14 records exemptions .-- Information contained in a compliant 15 filed with the Statewide Complaint Receipt and Referral Center 16 is active criminal intelligence and active criminal investigative information to assist law enforcement agencies 17 18 in the investigation and prosecution of crime and is 19 confidential and exempt from section 119.07(1), Florida 20 Statutes, and Section 24(a), Article I of the State Constitution. When the complaint is no longer active criminal 21 22 intelligence or active criminal investigative information, the 23 personal identifying information concerning the complainant, 24 including address, date of birth, social security number, 25 financial account numbers or other financial account 26 information, credit card or debit card information, credit 27 history or credit history reports, and mother's maiden name is 28 confidential and exempt from section 119.07(1), Florida 29 Statutes, and Section 24(a), Article I of the State constitution. Such information may be used by the Statewide 30 Complaint Receipt and Referral Center to carry out the duties 31

of the center and the purposes of the Fraud Prevention Unit in the Office of the Attorney General. The exempt information may 2 3 be disclosed to another governmental entity or its agents, employees, or contractors if disclosure is necessary for the 4 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the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and 12 shall stand repealed October 2, 2007, unless reviewed and 13 saved from repeal through reenactment by the Legislature. 14 The Legislature finds that the exemption 15 Section 2. from public-records requirements provided in this act is a 16 17 public necessity, and that it would inhibit active criminal investigations or the obtaining of criminal investigative 18 19 information if the complaints were not exempt during the pendency of any criminal investigation. Further, the failure 20 to exempt personal identifying information contained in a 21 complaint beyond the termination of a criminal investigation 22 would be an invasion of a complainant's privacy. Making the 23 24 personal information in a complaint publicly available may further expose the complainant to fraud, including identity 25 theft. Furthermore, the Legislature finds that failure to 26 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

information, credit card or debit card information, credit history or credit history reports, and mother's maiden name, would deter the reporting of this information and would prevent the center and the appropriate law enforcement and business entities from effectively identifying the scope of fraud, developing strategies to respond to fraud, providing information to the public concerning fraud schemes, assisting victims in restoring their credit and name to their original status, and carrying out the other purposes of the Statewide Complaint Receipt and Referral Center. Section 3. This act shall take effect on the effective

date of Senate Bill 34-E or similar legislation, and shall not take effect if such legislation does not become a law.

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

SENATE SUMMARY