

HB 1001

2006
CS

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public records; amending s. 119.071,
7 F.S.; exempting from public records requirements biometric
8 identification information held by an agency before, on,
9 or after the effective date of the exemption; providing a
10 definition; providing for future legislative review and
11 repeal; providing a finding of public necessity; providing
12 a contingent effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (g) is added to subsection (5) of
17 section 119.071, Florida Statutes, to read:

18 119.071 General exemptions from inspection or copying of
19 public records.--

20 (5) OTHER PERSONAL INFORMATION.--

21 (g)1. Biometric identification information held by an
22 agency before, on, or after the effective date of this exemption
23 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State

HB 1001

2006
CS

24 Constitution. As used in this paragraph, the term "biometric
25 identification information" means:

- 26 a. Any record of friction ridge detail;
27 b. Fingerprints;
28 c. Palm prints; and
29 d. Footprints.

30 2. This paragraph is subject to the Open Government Sunset
31 Review Act in accordance with s. 119.15 and shall stand repealed
32 on October 2, 2011, unless reviewed and saved from repeal
33 through reenactment by the Legislature.

34 Section 2. The Legislature finds that it is a public
35 necessity that biometric identification information held by an
36 agency before, on, or after the effective date of this exemption
37 be made exempt from public records requirements. Biometric
38 identification information is used to verify the identity of
39 persons and by its very nature involves matters uniquely related
40 to individual persons. The use of multiple methods of biometric
41 identification is a growing technology in detecting and solving
42 crime, in preventing identity theft, and in providing enhanced
43 levels of security in agency and other operations. Given
44 existing technological capabilities for duplicating, enhancing,
45 modifying, and transferring records, the availability of
46 biometric identification information creates the opportunity for
47 improper, illegal, or otherwise harmful use of such information.
48 At the same time, use of biometric identification information by
49 agencies is a useful and increasingly valuable tool. Thus, the
50 Legislature finds that it is a public necessity to protect

HB 1001

2006
CS

51 | biometric identification information held by an agency before,
52 | on, or after the effective date of this act.

53 | Section 3. This act shall take effect July 1, 2006, if
54 | House Bill 151, or similar legislation relating to fingerprint
55 | identification information held by an agency, is adopted in the
56 | same legislative session or an extension thereof and becomes
57 | law.