

1 A bill to be entitled
 2 An act relating to public records; amending s. 119.071,
 3 F.S.; exempting from public records requirements biometric
 4 identification information held by an agency before, on,
 5 or after the effective date of the exemption; providing a
 6 definition; providing for future legislative review and
 7 repeal; providing a finding of public necessity; providing
 8 a contingent effective date.

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

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

14 119.071 General exemptions from inspection or copying of
 15 public records.--

16 (5) OTHER PERSONAL INFORMATION.--

17 (g)1. Biometric identification information held by an
 18 agency before, on, or after the effective date of this exemption
 19 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 20 Constitution. As used in this paragraph, the term "biometric
 21 identification information" means:

- 22 a. Any record of friction ridge detail;
- 23 b. Fingerprints;
- 24 c. Palm prints; and
- 25 d. Footprints.

26 2. This paragraph is subject to the Open Government Sunset
 27 Review Act in accordance with s. 119.15 and shall stand repealed

28 on October 2, 2011, unless reviewed and saved from repeal
29 through reenactment by the Legislature.

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

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