

ENROLLED  
 HB 1001, Engrossed 1

2006 Legislature

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.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 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 27 Review Act in accordance with s. 119.15 and shall stand repealed

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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.