

By Senator Fasano

11-1304-06

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public-records requirements for
4 fingerprint identification information held by
5 a state agency; defining the term "fingerprint
6 identification information"; providing for
7 future legislative review and repeal of the
8 exemption under the Open Government Sunset
9 Review Act; providing a statement of public
10 necessity; providing a contingent effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. (1) Fingerprint identification information
16 held by a state agency, as defined in s. 120.52, Florida
17 Statutes, before, on, or after July 1, 2006, is exempt from s.
18 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State
19 Constitution. The term "fingerprint identification
20 information" means any record of friction-ridge detail,
21 including, but not limited to, fingerprints, palm prints, and
22 footprints, in whatever form or medium recorded.

23 (2) Subsection (1) is subject to the Open Government
24 Sunset Review Act in accordance with s. 119.15, Florida
25 Statutes, and shall stand repealed on October 2, 2011, unless
26 reviewed and saved from repeal through reenactment by the
27 Legislature.

28 Section 2. The Legislature finds that it is a public
29 necessity that fingerprint identification information held by
30 a state agency before, on, or after July 1, 2006, be made
31 exempt from public-records requirements. Fingerprint

1 identification is currently the most widely used means of
2 verifying identity and of detecting or preventing false claims
3 of identity. Given existing technological capabilities for
4 duplication, enhancing, modifying, and transferring records,
5 the availability of fingerprint identification information,
6 whether in traditional ink and paper form or when digitized,
7 creates the opportunity for improper, illegal, or harmful use,
8 particularly the crime of identity theft. In addition, release
9 of fingerprint identification information could create
10 opportunities for breaches of security which could result in
11 harm to programs, property, and persons. Thus, the Legislature
12 finds that it is a public necessity to protect fingerprint
13 identification held by a state agency before, on, or after
14 July 1, 2006.

15 Section 3. This act shall take effect on the same date
16 that Senate Bill 544 or similar legislation takes effect, if
17 such legislation is adopted in the same legislative session,
18 or an extension thereof, and becomes law.

19
20 *****

21 SENATE SUMMARY

22 Provides an exemption from public-records requirements
23 for fingerprint identification information held by a
24 state agency. Provides for future legislative review and
25 repeal of the exemption. Provides a statement of public
26 necessity.