

By the Committee on Criminal Justice; and Senator Fasano

591-2456-06

1 A bill to be entitled

2 An act relating to public records; amending s.

3 119.071, F.S.; exempting from public-records

4 requirements biometric identification

5 information held by an agency before, on, or

6 after the effective date of the exemption;

7 providing a definition; providing for future

8 legislative review and repeal; providing a

9 finding of public necessity; providing a

10 contingent effective date.

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

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14 Section 1. Paragraph (g) is added to subsection (5) of

15 section 119.071, Florida Statutes, to read:

16 119.071 General exemptions from inspection or copying

17 of public records.--

18 (5) OTHER PERSONAL INFORMATION.--

19 (g)1. Biometric identification information held by an

20 agency before, on, or after the effective date of this

21 exemption is exempt from s. 119.07(1) and s. 24(a), Art. I of

22 the State Constitution. As used in this paragraph, the term

23 "biometric identification information" means:

24 a. Any record of friction ridge detail;

25 b. Fingerprints;

26 c. Palm prints; and

27 d. Footprints.

28 2. This paragraph is subject to the Open Government

29 Sunset Review Act in accordance with s. 119.15 and shall stand

30 repealed on October 2, 2011, unless reviewed and saved from

31 repeal through reenactment by the Legislature.

1 Section 2. The Legislature finds that it is a public
2 necessity that biometric identification information held by an
3 agency before, on, or after the effective date of this
4 exemption be made exempt from public-records requirements.
5 Biometric identification information is used to verify the
6 identity of persons and by its very nature involves matters
7 uniquely related to individual persons. The use of multiple
8 methods of biometric identification is a growing technology in
9 detecting and solving crime, in preventing identity theft, and
10 in providing enhanced levels of security in agency and other
11 operations. Given existing technological capabilities for
12 duplicating, enhancing, modifying, and transferring records,
13 the availability of biometric identification information
14 creates the opportunity for improper, illegal, or otherwise
15 harmful use of such information. At the same time, use of
16 biometric identification information by agencies is a useful
17 and increasingly valuable tool. Thus, the Legislature finds
18 that it is a public necessity to protect biometric
19 identification information held by an agency before, on, or
20 after the effective date of this act.

21 Section 3. This act shall take effect July 1, 2006, if
22 Senate Bill 544, or similar legislation relating to
23 fingerprint identification information held by an agency, is
24 adopted in the same legislative session or an extension
25 thereof and becomes law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2292

- The term "biometric identification information" is substituted for "fingerprint identification information" but the meaning has not been altered.
- The application of the bill is no longer limited to "state agencies," but now includes agencies as defined in s. 119.011(2), F.S. This corrects a drafting error.