

By the Committee on Criminal Justice; and Senator Hays

591-03542-12

20121096c1

1 A bill to be entitled
2 An act relating to public records; amending s.
3 943.44353, F.S.; creating a public records exemption
4 for the electronic mail address and physical address
5 information provided to the Department of Law
6 Enforcement by a person requesting access to the
7 automatic notification system of registration
8 information regarding sexual predators and sexual
9 offenders; providing for future legislative review and
10 repeal of the exemption under the Open Government
11 Sunset Review Act; providing a statement of public
12 necessity; providing an effective date.

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

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16 Section 1. Subsection (3) is added to section 943.44353,
17 Florida Statutes, to read:

18 943.44353 Automatic notification of registration
19 information regarding sexual predators and offenders.—

20 (3) (a) Any information regarding an electronic mail address
21 or physical address provided to the department by a person in
22 order for that person to use or access the automatic Florida
23 Offender Alert notification system is confidential and exempt
24 from s. 119.07(1) and s. 24 (a), Art. I of the State
25 Constitution unless such information is specifically made public
26 or is specifically required to be disclosed by other provisions
27 of law. This confidential and exempt status applies
28 retroactively to all such information retained by the department
29 before July 1, 2012.

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30 (b) This subsection is subject to the Open Government
31 Sunset Review Act in accordance with s. 119.15, and shall stand
32 repealed on October 2, 2017, unless reviewed and saved from
33 repeal through reenactment by the Legislature.

34 Section 2. The Legislature finds that it is a public
35 necessity to exempt from public records requirements the
36 electronic mail address and physical address information
37 furnished to the Department of Law Enforcement by persons
38 requesting access to the automatic notification system of
39 registration information regarding sexual predators and sexual
40 offenders. A public records exemption for such information
41 furnished to the department will encourage greater access to the
42 notification system by alleviating concerns about disclosure of
43 electronic mail and physical location information that could be
44 used for criminal purposes. Public safety is significantly
45 enhanced through the use of the department's notification
46 system. For these reasons, the public records exemption provided
47 by this act is necessary for effective and broad participation
48 in the notification system by those seeking notification.

49 Section 3. This act shall take effect July 1, 2012.