

By Senator Montford

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 595.409, F.S.; providing an exemption from public
4 records requirements for personal identifying
5 information of an applicant for or participant in a
6 school food and nutrition service program held by the
7 Department of Agriculture and Consumer Services, the
8 Department of Children and Families, or the Department
9 of Education; providing for specified disclosure;
10 providing for applicability; providing for legislative
11 review and repeal of the exemption under the Open
12 Government Sunset Review Act; providing a contingent
13 effective date.

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

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17 Section 1. Section 595.409, Florida Statutes, is created to
18 read:

19 595.409 Public records exemption.-

20 (1) Personal identifying information of an applicant for or
21 participant in a school food and nutrition service program, as
22 defined in s. 595.402, held by the department, the Department of
23 Children and Families, or the Department of Education is exempt
24 from s. 119.07(1) and s. 24(a), Art. I of the State
25 Constitution.

26 (2) (a) Such information shall be disclosed to:

27 1. Another governmental entity in the performance of its
28 official duties and responsibilities; or

29 2. Any person who has the written consent of the applicant

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30 for or participant in such program.

31 (b) This section does not prohibit a participant's legal
32 guardian from obtaining confirmation of acceptance and approval,
33 dates of applicability, or other information the legal guardian
34 may request.

35 (3) This exemption applies to any information identifying a
36 program applicant or participant held by the department, the
37 Department of Children and Families, or the Department of
38 Education before, on, or after the effective date of this
39 exemption.

40 (4) This section is subject to the Open Government Sunset
41 Review Act in accordance with s. 119.15 and shall stand repealed
42 on October 2, 2018, unless reviewed and saved from repeal
43 through reenactment by the Legislature.

44 Section 2. The Legislature finds that it is a public
45 necessity that personal identifying information of an applicant
46 for or participant in a school food and nutrition service
47 program, as defined in s. 595.402, Florida Statutes, held by the
48 Department of Agriculture and Consumer Services, the Department
49 of Children and Families, or the Department of Education be made
50 exempt from the requirements of s. 119.07(1), Florida Statutes,
51 and s. 24(a), Article I of the State Constitution. In order for
52 a person applying to or participating in a school food and
53 nutrition service program to feel secure in the program, the
54 applicant or participant should be able to rely upon the fact
55 that his or her personal identifying information held by the
56 Department of Agriculture and Consumer Services, the Department
57 of Children and Families, or the Department of Education is
58 protected from disclosure to anyone other than those who have

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59 the need to know such information. A public records exemption
60 for personal identifying information of an applicant for or
61 participant in a school food and nutrition service program, as
62 defined in s. 595.402, Florida Statutes, held by the Department
63 of Agriculture and Consumer Services, the Department of Children
64 and Families, or the Department of Education protects
65 information of a sensitive, personal nature concerning an
66 individual, the release of which could be defamatory to the
67 individual, could cause unwarranted damage to his or her good
68 name or reputation, and could possibly jeopardize the safety of
69 the individual. Additionally, the public records exemption
70 allows the state to effectively and efficiently administer a
71 governmental program, which administration would be
72 significantly impaired without the exemption. Thus, the
73 Legislature declares that it is a public necessity that the
74 personal identifying information of an applicant for or a
75 participant in a school food and nutrition service program, as
76 defined in s. 595.402, Florida Statutes, held by the Department
77 of Agriculture and Consumer Services, the Department of Children
78 and Families, or the Department of Education be made exempt from
79 public records requirements.

80 Section 3. This act shall take effect on the same date that
81 SB _____ or similar legislation takes effect, if such
82 legislation is adopted in the same legislative session or an
83 extension thereof and becomes law.