

By the Committee on Governmental Oversight and Accountability;  
and Senator Montford

585-04023-13

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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

585-04023-13

20131756c1

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

585-04023-13

20131756c1

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 1628 or similar legislation takes effect, if such legislation  
82 is adopted in the same legislative session or an extension  
83 thereof and becomes law.