

1                                   A bill to be entitled  
 2           An act relating to public records; creating s.  
 3           595.409, Florida Statutes; providing an exemption from  
 4           public records requirements for personal identifying  
 5           information of an applicant for or participant in a  
 6           school food and nutrition service program, as defined  
 7           in s. 595.402, F.S., held by the Department of  
 8           Agriculture and Consumer Services, the Department of  
 9           Children and Families, or the Department of Education;  
 10          providing for specified disclosure; providing for  
 11          applicability; providing for legislative review and  
 12          repeal of the exemption under the Open Government  
 13          Sunset Review Act; providing a contingent effective  
 14          date.

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

17  
 18           Section 1.   Section 595.450, Florida Statutes, is created  
 19 to read:

20           595.409 Public records exemption.—

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

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

28           1. Another governmental entity in the performance of its

HB 7089

2013

29 official duties and responsibilities; or

30 2. Any person who has the written consent of the applicant  
31 for or participant in such program.

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

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

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42 Review Act in accordance with s. 119.15 and shall stand repealed  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

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

HB 7089

2013

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

81 Section 3. This act shall take effect on the same date  
82 that HB 7087 or similar legislation takes effect, if such  
83 legislation is adopted in the same legislative session or an  
84 extension thereof and becomes law.