

ENROLLED
 HB 7089

2013 Legislature

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 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.

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

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 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

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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42 Review Act in accordance with s. 119.15 and shall stand repealed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

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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.