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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2016	.	
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The Committee on Environmental Preservation and Conservation
(Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 379.107, Florida Statutes, is created to
read:

379.107 Public records exemption; personal information.-

(1) For purposes of this section, the term:

(a) "Commercial entity" means any corporation, partnership,
limited partnership, proprietorship, sole proprietorship, firm,



11 enterprise, franchise, or association.

12 (b) "Personal information" means information that
13 identifies an individual, including, but not limited to, an
14 individual's photograph; social security number; driver license
15 number; name; date of birth; address, exclusive of the five-
16 digit zip code; telephone number; e-mail or other electronic
17 communication address; and medical or disability information.

18 (2) Except as provided in subsection (3), personal
19 information held by the commission in connection with the
20 following licenses, permits, and certifications issued by the
21 commission is confidential and exempt from s. 119.07(1) and s.
22 24(a), Art. I of the State Constitution:

23 (a) Recreational fishing, hunting, or use licenses and
24 permits, and other noncommercial or nonprofessional licenses and
25 permits.

26 (b) Hunter safety certification.

27 (c) Boating safety certification or recreation record.

28 (3) Personal information may be disclosed only as follows:

29 (a) For use by a court, law enforcement agency, or other
30 agency, as defined in s. 119.011(2), in carrying out its duties.

31 (b) For use in connection with any civil, criminal,
32 administrative, or arbitral proceeding in any federal, state, or
33 local court or agency presenting before a regulatory body,
34 including the service of process, investigation in anticipation
35 of litigation, and the execution or enforcement of judgments and
36 orders, or pursuant to an order of a federal, state, or local
37 court.

38 (c) For use by any requester, upon demonstration of written
39 consent for such use by the individual to whom the information



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40 pertains.

41 (d) For use by a commercial entity for verification of the
42 accuracy of personal information received by such entity in the
43 normal course of its business, including identification or
44 prevention of fraud, or matching, verifying, or retrieving
45 information. This does not include the display or bulk sale of
46 the legal residential address, date of birth, or telephone
47 number of a licenseholder to the public or the distribution of
48 such information to any customer not identifiable by the
49 commercial entity.

50 (4) This exemption applies to personal information held at
51 any time by the commission, including such information held
52 prior to the effective date of this act.

53 (5) This section is subject to the Open Government Sunset
54 Review Act in accordance with s. 119.15 and shall stand repealed
55 on October 2, 2021, unless reviewed and saved from repeal
56 through reenactment by the Legislature.

57 Section 2. The Legislature finds that it is a public
58 necessity that personal information held by the Fish and
59 Wildlife Conservation Commission in connection with applications
60 for licenses, permits, or certifications for recreational,
61 nonprofessional, or noncommercial activities be made
62 confidential and exempt from s. 119.07(1), Florida Statutes, and
63 s. 24(a), Article I of the State Constitution. Under current
64 law, personal information held by the commission relating to
65 such licenses, permits, or certifications is a public record
66 available for any purpose. Such information can be obtained and
67 used to perpetrate identity theft. The public availability of
68 this personal information needlessly increases the risk of



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69 identity theft with those individuals who have a commission-
70 issued license, permit, or certificate. This unnecessary risk
71 would be diminished or eliminated if the commission preserved
72 the confidentiality of personal information held by the
73 commission relating to such licenses, permits, or
74 certifications. Therefore, the Legislature finds that it is a
75 public necessity to make confidential and exempt from public
76 records requirements personal information held by the commission
77 relating to licenses, permits, or certifications for
78 recreational, nonprofessional, or noncommercial activities.

79 Section 3. This act shall take effect July 1, 2016.

80
81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete everything before the enacting clause
84 and insert:

85 A bill to be entitled
86 An act relating to public records; creating s.
87 379.107, F.S.; defining the terms "commercial entity"
88 and "personal information"; providing an exemption
89 from public records requirements for personal
90 information provided to the Fish and Wildlife
91 Conservation Commission on applications for certain
92 licenses, permits, and certifications; providing
93 circumstances under which personal information may be
94 disclosed; providing applicability; providing for
95 future legislative review and repeal of the exemption;
96 providing a statement of public necessity; providing
97 an effective date.