

By Senator Hays

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1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 379.107, F.S.; defining the term "personal
 4 information"; providing an exemption from public
 5 records requirements for personal information provided
 6 to the Fish and Wildlife Conservation Commission on
 7 applications for certain licenses, permits, and
 8 certifications; providing circumstances under which
 9 personal information may be disclosed; providing
 10 applicability; providing for future legislative review
 11 and repeal of the exemption; providing a statement of
 12 public necessity; providing an effective date.

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

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

18 379.107 Public records exemption; personal information
 19 obtained in connection with licensure.—

20 (1) For purposes of this section, the term "personal
 21 information" means information that identifies an individual,
 22 including, but not limited to, an individual's photograph;
 23 social security number; driver license number; name; date of
 24 birth; address, exclusive of the five-digit zip code; telephone
 25 number; e-mail or other electronic communication address; and
 26 medical or disability information.

27 (2) Except as provided in subsection (3), personal
 28 information held by the commission in connection with the
 29 following licenses, permits, and certifications issued by the
 30 commission is confidential and exempt from s. 119.07(1) and s.
 31 24(a), Art. I of the State Constitution:

32 (a) Recreational fishing, hunting, or use licenses and

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33 permits, or other noncommercial or nonprofessional licenses and
34 permits.

35 (b) Hunter safety certification.

36 (c) Boating safety certification or recreation record.

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

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

40 (b) For use in connection with any civil, criminal,
41 administrative, or arbitral proceeding in any federal, state, or
42 local court or agency presenting before a self-regulatory body,
43 including the service of process, investigation in anticipation
44 of litigation, and the execution or enforcement of judgments and
45 orders, or pursuant to an order of a federal, state, or local
46 court.

47 (c) For use by any requester, if the requester demonstrates
48 it has obtained the written consent of the individual to whom
49 the information pertains.

50 (4) This exemption applies to personal information held by
51 an agency before, on, or after July 1, 2016.

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

56 Section 2. The Legislature finds that it is a public
57 necessity that personal information held by the Fish and
58 Wildlife Conservation Commission in connection with applications
59 for licenses, permits, or certifications for recreational,
60 nonprofessional, or noncommercial activities be made exempt from
61 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the

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62 State Constitution. Under current law, personal information that
63 applicants must provide to the commission in order to apply for
64 such licenses, permits, or certifications is a public record
65 available for any purpose. Such information can be obtained and
66 used to perpetrate identity theft and other invasive contacts.
67 The public availability of this personal information needlessly
68 increases the risk of identity theft and invasive contacts with
69 those applying to the commission for such licenses, permits, or
70 certifications. These unnecessary risks would be diminished or
71 eliminated if the commission preserved the confidentiality of
72 personal information provided on applications for such licenses,
73 permits, or certifications. Therefore, the Legislature finds
74 that it is a public necessity to make exempt from public records
75 requirements personal information that is provided to the
76 commission on applications for licenses, permits, or
77 certifications for recreational, nonprofessional, or
78 noncommercial activities.

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