

By the Committee on Environmental Preservation and Conservation;  
and Senator Hays

592-02668-16

20161364c1

1 A bill to be entitled

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

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

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

19 379.107 Public records exemption; personal information.-

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

21 (a) "Commercial entity" means any corporation, partnership,  
22 limited partnership, proprietorship, sole proprietorship, firm,  
23 enterprise, franchise, or association.

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

30 (2) Except as provided in subsection (3), personal  
31 information held by the commission in connection with the

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32 following licenses, permits, and certifications issued by the  
33 commission is confidential and exempt from s. 119.07(1) and s.  
34 24(a), Art. I of the State Constitution:

35 (a) Recreational fishing, hunting, or use licenses and  
36 permits, and other noncommercial or nonprofessional licenses and  
37 permits.

38 (b) Hunter safety certification.

39 (c) Boating safety certification or recreation record.

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

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

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

50 (c) For use by any requester, upon demonstration of written  
51 consent for such use by the individual to whom the information  
52 pertains.

53 (d) For use by a commercial entity for verification of the  
54 accuracy of personal information received by such entity in the  
55 normal course of its business, including identification or  
56 prevention of fraud, or matching, verifying, or retrieving  
57 information. This does not include the display or bulk sale of  
58 the legal residential address, date of birth, or telephone  
59 number of a licenseholder to the public or the distribution of  
60 such information to any customer not identifiable by the

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61 commercial entity.

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

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

69 Section 2. The Legislature finds that it is a public  
70 necessity that personal information held by the Fish and  
71 Wildlife Conservation Commission in connection with applications  
72 for licenses, permits, or certifications for recreational,  
73 nonprofessional, or noncommercial activities be made  
74 confidential and exempt from s. 119.07(1), Florida Statutes, and  
75 s. 24(a), Article I of the State Constitution. Under current  
76 law, personal information held by the commission relating to  
77 such licenses, permits, or certifications is a public record  
78 available for any purpose. Such information can be obtained and  
79 used to perpetrate identity theft. The public availability of  
80 this personal information needlessly increases the risk of  
81 identity theft with those individuals who have a commission-  
82 issued license, permit, or certificate. This unnecessary risk  
83 would be diminished or eliminated if the commission preserved  
84 the confidentiality of personal information held by the  
85 commission relating to such licenses, permits, or  
86 certifications. Therefore, the Legislature finds that it is a  
87 public necessity to make confidential and exempt from public  
88 records requirements personal information held by the commission  
89 relating to licenses, permits, or certifications for

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90 recreational, nonprofessional, or noncommercial activities.

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

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