

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.071, F.S.; providing an exemption from public  
 4           records requirements for property photographs and  
 5           personal identifying information provided to specified  
 6           entities by certain persons for the purpose of  
 7           disaster recovery assistance; providing for future  
 8           legislative review and repeal of the exemption;  
 9           providing a statement of public necessity; providing  
 10          an effective date.

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

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 14           Section 1. Paragraph (f) of subsection (5) of section  
 15   119.071, Florida Statutes, is amended to read:

16           119.071 General exemptions from inspection or copying of  
 17   public records.—

18           (5) OTHER PERSONAL INFORMATION.—

19           (f)1. The following information held by the Department of  
 20   Economic Opportunity, the Florida Housing Finance Corporation, a  
 21   county, a municipality, or a local housing finance agency is  
 22   confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 23   of the State Constitution:

24           a. Medical history records and information related to  
 25   health or property insurance provided ~~to the Department of~~

26 ~~Economic Opportunity, the Florida Housing Finance Corporation, a~~  
27 ~~county, a municipality, or a local housing finance agency by an~~  
28 ~~applicant for or a participant in a federal, state, or local~~  
29 ~~housing assistance program are confidential and exempt from s.~~  
30 ~~119.07(1) and s. 24(a), Art. I of the State Constitution.~~

31 b. Property photographs and personal identifying  
32 information of an applicant for or a participant in a federal,  
33 state, or local housing assistance program for the purpose of  
34 disaster recovery assistance for a presidentially declared  
35 disaster.

36 2. Governmental entities or their agents shall have access  
37 to such confidential and exempt records and information for the  
38 purpose of auditing federal, state, or local housing programs or  
39 housing assistance programs.

40 3. Such confidential and exempt records and information  
41 may be used in any administrative or judicial proceeding,  
42 provided such records are kept confidential and exempt unless  
43 otherwise ordered by a court.

44 4. Sub-subparagraph 1.b. is subject to the Open Government  
45 Sunset Review Act in accordance with s. 119.15 and shall stand  
46 repealed on October 2, 2025, unless reviewed and saved from  
47 repeal through reenactment by the Legislature.

48 Section 2. The Legislature finds that it is a public  
49 necessity that property photographs and personal identifying  
50 information of an applicant for or participant in a federal,

51 state, or local housing assistance program for the purpose of  
52 disaster recovery assistance for a presidentially declared  
53 disaster, held by the Department of Economic Opportunity, the  
54 Florida Housing Finance Corporation, a county, a municipality,  
55 or a local housing finance agency, be made confidential and  
56 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
57 Article I of the State Constitution. In response to a disaster,  
58 an agency, in an effort to determine damage and ascertain the  
59 estimated cost of rehabilitation, may conduct a property  
60 inspection to observe and record damage to the property. This  
61 information may be used to locate the damaged property and to  
62 identify and contact the property owner or tenant. Following a  
63 disaster, the people affected are vulnerable and frequently  
64 displaced due to the severely damaged and often uninhabitable  
65 condition of their residence. If released, property photographs  
66 and personal identifying information could be used by fraudulent  
67 contractors, predatory lenders, thieves, or individuals seeking  
68 to impose on the vulnerability of the distressed property owner  
69 or tenant following a disaster. Therefore, it is necessary that  
70 property photographs and personal identifying information be  
71 protected to ensure those affected by a disaster are not  
72 harassed, intimidated, or potentially defrauded.

73 Section 3. This act shall take effect July 1, 2020.