

By Senator Hutson

7-00640A-20

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1                   A bill to be entitled  
2       An act relating to public records; creating s.  
3       379.1026, F.S.; providing an exemption from public  
4       records requirements for the site-specific location  
5       information of certain threatened or endangered  
6       species; providing for legislative review and repeal  
7       of the exemption; providing a statement of public  
8       necessity; providing an effective date.

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

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12       Section 1. Section 379.1026, Florida Statutes, is created  
13       to read:

14       379.1026 Site-specific location information for threatened  
15       and endangered species; public records exemption.-

16       (1) As used in this section, the term:

17       (a) "Agency" has the same meaning as in s. 119.011.

18       (b) "Endangered species" has the same meaning as in s.  
19       379.2291(3)(b).

20       (c) "Threatened species" has the same meaning as in s.  
21       379.2291(3)(c).

22       (2) The site-specific location information held by an  
23       agency concerning a species that is listed federally as an  
24       endangered species or a threatened species or is listed by the  
25       Fish and Wildlife Conservation Commission as a threatened  
26       species is exempt from s. 119.07(1) and s. 24(a), Art. I of the  
27       State Constitution. This exemption is not waived by the release  
28       of such public record to another agency or an educational or  
29       scientific facility for research purposes. This section is

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30 subject to the Open Government Sunset Review Act in accordance  
31 with s. 119.15 and shall stand repealed on October 2, 2025,  
32 unless reviewed and saved from repeal by the Legislature.

33 Section 2. The Legislature finds that it is a public  
34 necessity that the site-specific location information held by an  
35 agency concerning a species that is listed federally as an  
36 endangered species or a threatened species or is listed by the  
37 Fish and Wildlife Conservation Commission as a threatened  
38 species be made exempt from s. 119.07(1), Florida Statutes, and  
39 s. 24(a), Article I of the State Constitution. The Legislature  
40 finds that the release of such location information would  
41 jeopardize the continued existence of protected species by  
42 putting them in danger from wildlife poachers or by threatening  
43 the integrity of the site due to increased use of or traffic  
44 within the site. This exemption protects private property owners  
45 from potential trespass and related liability issues when  
46 endangered or threatened species are found on their properties  
47 and encourages the landowners, as well as researchers, to  
48 provide information to the agencies which they would not  
49 otherwise provide if the information could be made public. The  
50 Legislature finds that the harm that may result from the release  
51 of such site-specific location information outweighs any public  
52 benefit that may be derived from the disclosure of the  
53 information.

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