

By the Committee on Environment and Natural Resources; and  
Senator Hutson

592-02237-20

2020812c1

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 endangered and threatened  
6 species; providing for future legislative review and  
7 repeal of the exemption; providing a statement of  
8 public necessity; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Section 379.1026, Florida Statutes, is created  
13 to read:

14 379.1026 Site-specific location information for endangered  
15 and threatened 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 listed by a federal agency as  
24 endangered or threatened or listed by the Fish and Wildlife  
25 Conservation Commission as threatened is exempt from s.  
26 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
27 exemption does not apply to animals held in captivity and is not  
28 waived by the release of such location information to another  
29 agency or to an educational institution or scientific facility

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32 shall stand repealed on October 2, 2025, unless reviewed and  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

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

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