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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/04/2020 10:56 AM

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Senator Gainer moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(5) OTHER PERSONAL INFORMATION.—

(f)1. The following information held by the Department of  
Economic Opportunity, the Florida Housing Finance Corporation, a



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12 county, a municipality, or a local housing finance agency is  
13 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
14 of the State Constitution:

15 a. Medical history records and information related to  
16 health or property insurance provided to the Department of  
17 Economic Opportunity, the Florida Housing Finance Corporation, a  
18 county, a municipality, or a local housing finance agency by an  
19 applicant for or a participant in a federal, state, or local  
20 housing assistance program are confidential and exempt from s.  
21 119.07(1) and s. 24(a), Art. I of the State Constitution.

22 b. Property photographs and personal identifying  
23 information of an applicant for or a participant in a federal,  
24 state, or local housing assistance program for the purpose of  
25 disaster recovery assistance for a presidentially declared  
26 disaster.

27 2. Governmental entities or their agents shall have access  
28 to such confidential and exempt records and information for the  
29 purpose of auditing federal, state, or local housing programs or  
30 housing assistance programs.

31 3. Such confidential and exempt records and information may  
32 be used in any administrative or judicial proceeding, provided  
33 such records are kept confidential and exempt unless otherwise  
34 ordered by a court.

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37 repealed on October 2, 2025, unless reviewed and saved from  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

39 Section 2. The Legislature finds that it is a public  
40 necessity that property photographs and personal identifying



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

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

65  
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Delete everything before the enacting clause  
69 and insert:



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70                                   A bill to be entitled  
71           An act relating to public records; amending s.  
72           119.071, F.S.; providing an exemption from public  
73           records requirements for property photographs and  
74           personal identifying information provided to specified  
75           entities by certain persons for the purpose of  
76           disaster recovery assistance; authorizing access to  
77           such records and information for certain purposes;  
78           providing for future legislative review and repeal of  
79           the exemption; providing a statement of public  
80           necessity; providing an effective date.