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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/03/2020 01:35 PM

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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37 repealed on October 2, 2025, unless reviewed and saved from  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 be made confidential and exempt from s. 119.07(1),  
45 Florida Statutes, and s. 24(a), Article I of the State  
46 Constitution. In response to a disaster, an agency, in an effort  
47 to determine damage and ascertain the estimated cost of  
48 rehabilitation, may conduct a property inspection to observe and  
49 record damage to the property. This information may be used to  
50 locate the damaged property and to identify and contact the  
51 property owner or tenant. Following a disaster, the people  
52 affected are vulnerable and frequently displaced due to the  
53 severely damaged and often uninhabitable condition of their  
54 residences. If released, property photographs and personal  
55 identifying information could be used by fraudulent contractors,  
56 predatory lenders, thieves, or individuals seeking to impose on  
57 the vulnerability of the distressed property owner or tenant  
58 following a disaster. Therefore, it is necessary that property  
59 photographs and personal identifying information be protected to  
60 ensure that those affected by a disaster are not harassed,  
61 intimidated, or potentially defrauded.

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

63  
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete everything before the enacting clause  
67 and insert:

68 A bill to be entitled  
69 An act relating to public records; amending s.



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