

By Senator Gainer

2-00631B-20

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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 certain records and
5 information provided to the Department of Economic
6 Opportunity, the Florida Housing Finance Corporation,
7 a county, a municipality, or a local housing finance
8 agency by or on behalf of an applicant for or a
9 participant in a federal, state, or local housing
10 assistance program for the purpose of disaster
11 recovery assistance; providing for future legislative
12 review and repeal of the exemption; providing a
13 statement of public necessity; providing an effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Paragraph (f) of subsection (5) of section
19 119.071, Florida Statutes, is amended to read:

20 119.071 General exemptions from inspection or copying of
21 public records.—

22 (5) OTHER PERSONAL INFORMATION.—

23 (f)1. Medical history records and information related to
24 health or property insurance provided to the Department of
25 Economic Opportunity, the Florida Housing Finance Corporation, a
26 county, a municipality, or a local housing finance agency by an
27 applicant for or a participant in a federal, state, or local
28 housing assistance program are confidential and exempt from s.
29 119.07(1) and s. 24(a), Art. I of the State Constitution.

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30 2. Records and information related to property photographs,
31 financial documents, or financial information provided to the
32 Department of Economic Opportunity, the Florida Housing Finance
33 Corporation, a county, a municipality, or a local housing
34 finance agency by or on behalf of an applicant for or a
35 participant in a federal, state, or local housing assistance
36 program for the purpose of disaster recovery assistance are
37 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
38 of the State Constitution. This subparagraph is subject to the
39 Open Government Sunset Review Act in accordance with s. 119.15
40 and shall stand repealed on October 2, 2025, unless reviewed and
41 saved from repeal through reenactment by the Legislature.

42 3. Governmental entities or their agents shall have access
43 to such confidential and exempt records and information for the
44 purpose of auditing federal, state, or local housing programs or
45 housing assistance programs. Such confidential and exempt
46 records and information may be used in any administrative or
47 judicial proceeding, provided such records are kept confidential
48 and exempt unless otherwise ordered by a court.

49 Section 2. (1) The Legislature finds that it is a public
50 necessity that records and information related to property
51 photographs, financial documents, or financial information of an
52 applicant for or a participant in a federal, state, or local
53 housing assistance program provided to the Department of
54 Economic Opportunity, the Florida Housing Finance Corporation, a
55 county, a municipality, or a local housing finance agency for
56 the purpose of disaster recovery assistance should be made
57 confidential and exempt from s. 119.07(1), Florida Statutes, and
58 s. 24 (a), Article I of the State Constitution.

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59 (2) In response to a disaster, in an effort to determine
60 storm damage and ascertain the estimated cost of rehabilitation,
61 an agency may conduct a property inspection to observe and
62 record the presence of damage. The damage assessment data
63 collected may include interior and exterior photographs of such
64 individual's residence. This information may be used to locate
65 the damaged property and identify and contact the property owner
66 or tenant. If released, this information may be used by
67 fraudulent contractors, predatory lenders, thieves, or
68 individuals seeking to impose on the vulnerability of a
69 distressed property owner or tenant following a disaster.
70 Therefore, it is necessary to protect this information to ensure
71 that sensitive information of people impacted by a disaster is
72 not released.

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