

By the Committee on Governmental Oversight and Accountability;
and Senator Gainer

585-03396-20

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; defining the term "financial
4 documentation"; providing an exemption from public
5 records requirements for property photographs and
6 financial documentation provided to the Department of
7 Economic Opportunity, the Florida Housing Finance
8 Corporation, a county, a municipality, or a local
9 housing finance agency by or on behalf of an applicant
10 for or a participant in a federal, state, or local
11 housing assistance program for the purpose of disaster
12 recovery assistance; authorizing access to such
13 records and information for certain purposes;
14 providing for future legislative review and repeal of
15 the exemption; providing a statement of public
16 necessity; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (1) is added to subsection (5) of
21 section 119.071, Florida Statutes, to read:

22 119.071 General exemptions from inspection or copying of
23 public records.—

24 (5) OTHER PERSONAL INFORMATION.—

25 (1)1. For purposes of this paragraph, the term "financial
26 documentation" means income statements, paystubs, bank
27 statements, tax returns, public assistance information, disaster
28 recovery benefits, social security disability benefits, and
29 insurance information.

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30 2. Property photographs and applicant financial
31 documentation provided to the Department of Economic
32 Opportunity, the Florida Housing Finance Corporation, a county,
33 a municipality, or a local housing finance agency by or on
34 behalf of an applicant for or a participant in a federal, state,
35 or local housing assistance program for the purpose of disaster
36 recovery assistance for a presidentially declared disaster are
37 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
38 of the State Constitution.

39 3. An agency provided such confidential and exempt records
40 pursuant to subparagraph 2. may disclose such confidential and
41 exempt records to a governmental entity or its agents for the
42 purpose of auditing federal, state, or local housing programs or
43 housing assistance programs. The entities or agents receiving
44 such confidential information must maintain the confidential and
45 exempt status of such records. Such confidential and exempt
46 records may be used in any administrative or judicial
47 proceeding, provided such records are kept confidential and
48 exempt unless otherwise ordered by a court.

49 4. This paragraph is subject to the Open Government Sunset
50 Review Act in accordance with s. 119.15 and shall stand repealed
51 on October 2, 2025, unless reviewed and saved from repeal
52 through reenactment by the Legislature.

53 Section 2. The Legislature finds that it is a public
54 necessity that property photographs and applicant financial
55 documentation provided to the Department of Economic
56 Opportunity, the Florida Housing Finance Corporation, a county,
57 a municipality, or a local housing finance agency by or on
58 behalf of an applicant for or a participant in a federal, state,

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59 or local housing assistance program for the purpose of disaster
60 recovery assistance for a presidentially declared disaster be
61 made confidential and exempt from s. 119.07(1), Florida
62 Statutes, and s. 24 (a), Article I of the State Constitution. In
63 response to a disaster an agency, in an effort to determine
64 storm damage and ascertain the estimated cost of rehabilitation,
65 may conduct a property inspection to observe and record the
66 presence of damage. The damage assessment data collected may
67 include interior and exterior photographs of such individual's
68 residence. This information may be used to locate the damaged
69 property and identify and contact the property owner or tenant.
70 If released, this information may be used by fraudulent
71 contractors, predatory lenders, thieves, or individuals seeking
72 to impose on the vulnerability of a distressed property owner or
73 tenant following a disaster. Therefore, it is necessary that
74 this information be protected to ensure that people impacted by
75 a disaster do not have sensitive information released.

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