

By Senator Baxley

12-00835-21

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 320.025, F.S.; authorizing the issuance of
4 confidential registration certificates and license
5 plates or decals under a fictitious name to criminal
6 conflict and civil regional counsel offices to conduct
7 specified law enforcement activities; expanding a
8 public records exemption to include all records
9 pertaining to a registration application submitted by
10 any regional counsel office; providing for
11 construction; providing for future legislative review
12 and repeal; providing a statement of public necessity;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsections (1) and (3) of section 320.025,
18 Florida Statutes, are amended, and subsection (4) is added to
19 that section, to read:

20 320.025 Registration certificate and license plate or decal
21 issued under fictitious name; application.—

22 (1) A confidential registration certificate and
23 registration license plate or decal shall be issued under a
24 fictitious name only for a motor vehicle or vessel owned or
25 operated by a law enforcement agency of state, county,
26 municipal, or federal government;; the Attorney General's
27 Medicaid Fraud Control Unit;~~;~~~~or~~ any state public defender's
28 office; or any office of criminal conflict and civil regional
29 counsel. The requesting agency shall file a written application

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30 with the department, on forms furnished by the department, which
31 includes a statement that the license plate or decal will be
32 used for certain activities by the Attorney General's Medicaid
33 Fraud Control Unit, ~~or law enforcement, or any state public~~
34 ~~defender's office,~~ or a regional counsel which require the
35 ~~activities requiring~~ concealment of publicly leased or owned
36 motor vehicles or vessels and a statement of the position
37 classifications of the individuals who are authorized to use the
38 license plate or decal. The department may modify its records to
39 reflect the fictitious identity of the owner or lessee until
40 such time as the license plate or decal and registration
41 certificate are surrendered to it.

42 (3) This section constitutes an exception to other statutes
43 relating to falsification of public records, false swearing, and
44 similar matters. All records relating to the registration
45 application of the Attorney General's Medicaid Fraud Control
46 Unit, a law enforcement agency, ~~or any state public defender's~~
47 ~~office,~~ or any office of criminal conflict and civil regional
48 counsel, and records necessary to carry out the intended purpose
49 of this section, are exempt from ~~the provisions of s. 119.07(1),~~
50 and s. 24(a), Art. I of the State Constitution as long as the
51 information is retained by the department. This section does not
52 prohibit other personations, fabrications, or creations of false
53 identifications by the Attorney General's Medicaid Fraud Control
54 Unit, ~~or law enforcement or public defender's officers,~~ or a
55 regional counsel office in the official performance of covert
56 operations.

57 (4) This section is subject to the Open Government Sunset
58 Review Act in accordance with s. 119.15 and shall stand repealed

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59 on October 2, 2026, unless reviewed and saved from repeal
60 through reenactment by the Legislature.

61 Section 2. The Legislature finds that it is a public
62 necessity that all records relating to the application of a
63 confidential registration certificate and registration license
64 plate or decal submitted by an office of criminal conflict and
65 civil regional counsel, and any other records necessary to carry
66 out the intended purpose of s. 320.025, Florida Statutes, be
67 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
68 Article I of the State Constitution. Investigations by an office
69 of criminal conflict and civil regional counsel may be
70 jeopardized by the registration of motor vehicles under the
71 office's name or under the names of the office's investigators
72 in that persons under investigation may acquire such
73 registration information in order to seek retaliation against
74 the office or its investigators. Authorizing offices of criminal
75 conflict and civil regional counsels to obtain confidential
76 registration certificates and registration license plates or
77 decals in the same manner as other law enforcement agencies
78 would better ensure the safety of the regional counsel offices'
79 investigators in performing their official duties.

80 Section 3. This act shall take effect July 1, 2021.