

By the Committee on Criminal Justice; and Senator Baxley

591-03237-21

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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 activities; expanding a public records
8 exemption to include all records pertaining to a
9 registration application submitted by any office of
10 criminal conflict and civil regional counsel;
11 providing for construction; providing for future
12 legislative review and repeal; providing a statement
13 of public necessity; 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 registration
23 license plate or decal shall be issued under a fictitious name
24 only for a motor vehicle or vessel owned or operated by a law
25 enforcement agency of state, county, municipal, or federal
26 government;~~;~~; the Attorney General's Medicaid Fraud Control
27 Unit;~~;~~~~or~~ any state public defender's office; or any office of
28 criminal conflict and civil regional counsel. The requesting
29 agency shall file a written application with the department, on

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30 forms furnished by the department, which includes a statement
31 that the license plate or decal will be used for certain
32 activities by the Attorney General's Medicaid Fraud Control
33 Unit, ~~or~~ law enforcement, ~~or~~ any state public defender's office,
34 or any office of criminal conflict and civil regional counsel
35 which require the activities requiring concealment of publicly
36 leased or owned motor vehicles or vessels and a statement of the
37 position classifications of the individuals who are authorized
38 to use the license plate or decal. The department may modify its
39 records to reflect the fictitious identity of the owner or
40 lessee until such time as the license plate or decal and
41 registration 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 any
55 office of criminal conflict and civil regional counsel in the
56 official performance of covert 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 counsel to obtain confidential
76 registration certificates and registration license plates or
77 decals in the same manner as any state public defender's office
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.