

House Bill No. 1001

An act relating to public records; amending s. 119.071, F.S.; exempting from public records requirements biometric identification information held by an agency before, on, or after the effective date of the exemption; providing a definition; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

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

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

(5) OTHER PERSONAL INFORMATION.—

(g)1. Biometric identification information held by an agency before, on, or after the effective date of this exemption is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. As used in this paragraph, the term “biometric identification information” means:

- a. Any record of friction ridge detail;
- b. Fingerprints;
- c. Palm prints; and
- d. Footprints.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that biometric identification information held by an agency before, on, or after the effective date of this exemption be made exempt from public records requirements. Biometric identification information is used to verify the identity of persons and by its very nature involves matters uniquely related to individual persons. The use of multiple methods of biometric identification is a growing technology in detecting and solving crime, in preventing identity theft, and in providing enhanced levels of security in agency and other operations. Given existing technological capabilities for duplicating, enhancing, modifying, and transferring records, the availability of biometric identification information creates the opportunity for improper, illegal, or otherwise harmful use of such information. At the same time, use of biometric identification information by agencies is a useful and increasingly valuable tool. Thus, the Legislature finds that it is a public necessity to protect

biometric identification information held by an agency before, on, or after the effective date of this act.

Section 3. This act shall take effect July 1, 2006, if House Bill 151, or similar legislation relating to fingerprint identification information held by an agency, is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 12, 2006.

Filed in Office Secretary of State June 12, 2006.