

CHAPTER 2013-217

House Bill No. 7089

An act relating to public records; creating s. 595.409, Florida Statutes; providing an exemption from public records requirements for personal identifying information of an applicant for or participant in a school food and nutrition service program, as defined in s. 595.402, F.S., held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education; providing for specified disclosure; providing for applicability; providing for legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a contingent effective date.

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

Section 1. Section 595.450, Florida Statutes, is created to read:

595.409 Public records exemption.—

(1) Personal identifying information of an applicant for or participant in a school food and nutrition service program, as defined in s. 595.402, held by the department, the Department of Children and Families, or the Department of Education is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2)(a) Such information shall be disclosed to:

1. Another governmental entity in the performance of its official duties and responsibilities; or

2. Any person who has the written consent of the applicant for or participant in such program.

(b) This section does not prohibit a participant's legal guardian from obtaining confirmation of acceptance and approval, dates of applicability, or other information the legal guardian may request.

(3) This exemption applies to any information identifying a program applicant or participant held by the department, the Department of Children and Families, or the Department of Education before, on, or after the effective date of this exemption.

(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that personal identifying information of an applicant for or participant in a school food and nutrition service program, as defined in s. 595.402, Florida Statutes, held by

the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education be made exempt from the requirements of s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. In order for a person applying to or participating in a school food and nutrition service program to feel secure in the program, the applicant or participant should be able to rely upon the fact that his or her personal identifying information held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education is protected from disclosure to anyone other than those who have the need to know such information. A public records exemption for personal identifying information of an applicant for or participant in a school food and nutrition service program, as defined in s. 595.402, Florida Statutes, held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education protects information of a sensitive, personal nature concerning an individual, the release of which could be defamatory to the individual, could cause unwarranted damage to his or her good name or reputation, and could possibly jeopardize the safety of the individual. Additionally, the public records exemption allows the state to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption. Thus, the Legislature declares that it is a public necessity that the personal identifying information of an applicant for or a participant in a school food and nutrition service program, as defined in s. 595.402, Florida Statutes, held by the Department of Agriculture and Consumer Services, the Department of Children and Families, or the Department of Education be made exempt from public records requirements.

Section 3. This act shall take effect on the same date that HB 7087 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 14, 2013.

Filed in Office Secretary of State June 14, 2013.