

By the Committee on Ethics and Elections

582-02385-19

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 112.31446, F.S.; providing exemptions from public
4 records requirements for certain passwords that are
5 held by the Commission on Ethics and certain
6 information entered into the electronic filing system
7 for financial disclosure forms; specifying conditions
8 under which such information is no longer exempt;
9 providing for future legislative review and repeal of
10 the exemption; providing a statement of public
11 necessity; providing a contingent effective date.

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

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15 Section 1. Subsection (6) is added to section 112.31446,
16 Florida Statutes, as created by SB 7040, 2019 Regular Session,
17 to read:

18 112.31446 Electronic filing system for financial
19 disclosure.—

20 (6) (a) All passwords held by the commission for the purpose
21 of allowing access to the electronic filing system are exempt
22 from s. 119.071(1) and s. 24(a), Art. I of the State
23 Constitution.

24 (b) Information entered in the electronic filing system for
25 purposes of financial disclosure is exempt from s. 119.071(1)
26 and s. 24(a), Art. I of the State Constitution. Information
27 entered in the electronic filing system is no longer exempt once
28 the disclosure of financial interests or statement of financial
29 interests is submitted to the commission, or in the case of a

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30 candidate, filed with a qualifying officer, whichever occurs
31 first.

32 (c) This subsection is subject to the Open Government
33 Sunset Review Act in accordance with s. 119.15 and shall stand
34 repealed on October 2, 2024, unless reviewed and saved from
35 repeal through reenactment by the Legislature.

36 Section 2. The Legislature finds that it is a public
37 necessity that all passwords held by the Commission on Ethics
38 for the purpose of allowing access to the electronic filing
39 system for financial disclosures, and information entered into
40 the system, be exempt from public records requirements. The
41 Legislature finds that the public's need for access to
42 information included in the full and public disclosures of
43 financial interests or statements of financial interests filed
44 by reporting individuals be balanced with the filer's interest
45 in safeguarding personally sensitive information. The
46 Legislature further finds that the unintentional publication of
47 such information may subject the filer to identity theft,
48 financial harm, or other adverse impacts. Without the public
49 records exemption, the effective and efficient administration of
50 the electronic filing system that otherwise is designed to
51 increase the ease of filing for reporting individuals and to
52 improve the public's access to financial disclosure information
53 would be hindered. For these reasons, the Legislature finds that
54 it is a public necessity to exempt such information from public
55 records requirements.

56 Section 3. This act shall take effect on the same date that
57 SB 7040 or similar legislation takes effect, if such legislation
58 is adopted in the same legislative session or an extension

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59 | thereof and becomes a law.