

By Representative Carassas

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House Joint Resolution

A joint resolution proposing an amendment to Section 24 of Article I of the State Constitution relating to public records and meetings exemptions.

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

That the amendment to Section 24 of Article I of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

SECTION 24. Access to public records and meetings.--

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

(b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as

1 provided in Article III, Section 4(e), except with respect to  
2 meetings exempted pursuant to this section or specifically  
3 closed by this Constitution.

4 (c) This section shall be self-executing. The  
5 legislature, however, may provide by general law passed by a  
6 two-thirds vote of each house for the exemption of records  
7 from the requirements of subsection (a) and the exemption of  
8 meetings from the requirements of subsection (b), provided  
9 that such law shall state with specificity the public  
10 necessity justifying the exemption and shall be no broader  
11 than necessary to accomplish the stated purpose of the law.  
12 The legislature shall enact laws governing the enforcement of  
13 this section, including the maintenance, control, destruction,  
14 disposal, and disposition of records made public by this  
15 section, except that each house of the legislature may adopt  
16 rules governing the enforcement of this section in relation to  
17 records of the legislative branch. Laws enacted pursuant to  
18 this subsection shall contain only exemptions from the  
19 requirements of subsections (a) or (b) and provisions  
20 governing the enforcement of this section, and shall relate to  
21 one subject.

22 (d) All laws that are in effect on July 1, 1993 that  
23 limit public access to records or meetings shall remain in  
24 force, and such laws apply to records of the legislative and  
25 judicial branches, until they are repealed. Rules of court  
26 that are in effect on the date of adoption of this section  
27 that limit access to records shall remain in effect until they  
28 are repealed.

29 BE IT FURTHER RESOLVED that in accordance with the  
30 requirements of section 101.161, Florida Statutes, the title  
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1 and substance of the amendment proposed herein shall appear on  
2 the ballot as follows:

3 LAWS PROVIDING PUBLIC RECORDS OR MEETINGS EXEMPTIONS;

4 TWO-THIRDS VOTE REQUIRED

5 Requires that laws providing exemptions from public  
6 records or public meetings requirements must be passed by a  
7 two-thirds vote of each house of the Legislature.

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