

563-181AXA-27

Bill No. CS/HB 539

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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4		.	

ORIGINAL STAMP BELOW

Representative(s) Trovillion offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Subsection (1) of section 18.20, Florida Statutes, is amended to read:

18.20 Treasurer to make reproductions of certain warrants, records, and documents.--

(1) All vouchers or checks heretofore or hereafter drawn by appropriate court officials of the several counties of the state against money deposited with the Treasurer under the provisions of s. 43.17, and paid by the Treasurer, may be photographed, microphotographed, or reproduced on film by the Treasurer. Such photographic film shall be durable material and the device used to so reproduce such warrants, vouchers, or checks shall be one which accurately reproduces the originals thereof in all detail; and such photographs, microphotographs, or reproductions on film shall be placed in conveniently accessible and identified files and shall be

1 preserved by the Treasurer as a part of the ~~permanent~~ records
2 of office. When any such warrants, vouchers, or checks have
3 been so photographed, microphotographed, or reproduced on
4 film, and the photographs, microphotographs, or reproductions
5 on film thereof have been placed in files as a part of the
6 ~~permanent~~ records of the office of the Treasurer as aforesaid,
7 the Treasurer is authorized to return such warrants, vouchers,
8 or checks to the offices of the respective county officials
9 who drew the same and such warrants, vouchers, or checks shall
10 be retained and preserved in such offices to which returned as
11 a part of the ~~permanent~~ records of such offices.

12 Section 2. Section 119.01, Florida Statutes, is
13 amended to read:

14 119.01 General state policy on public records.--

15 (1) It is the policy of this state that all state,
16 county, and municipal records are ~~shall be~~ open for personal
17 inspection by any person unless the records are exempt from
18 inspection.

19 ~~(2) The Legislature finds that, given advancements in~~
20 ~~technology, Providing access to public records is a duty of~~
21 ~~each agency. by remote electronic means is an additional~~
22 ~~method of access that agencies should strive to provide to the~~
23 ~~extent feasible. If an agency provides access to public~~
24 ~~records by remote electronic means, then such access should be~~
25 ~~provided in the most cost-effective and efficient manner~~
26 ~~available to the agency providing the information.~~

27 ~~(2)(3)(a) The Legislature finds that providing access~~
28 ~~to public records is a duty of each agency and that Automation~~
29 ~~of public records must not erode the right of access to public~~
30 ~~those records. As each agency increases its use of and~~
31 dependence on electronic recordkeeping, each agency must

1 provide ~~ensure~~ reasonable public access to records
2 electronically maintained and must keep information made
3 exempt or confidential from being disclosed to the public.

4 (b) An agency must consider when designing or
5 acquiring an electronic recordkeeping system whether such
6 system is capable of providing data in some common format such
7 as, but not limited to, the American Standard Code for
8 Information Interchange.

9 (c) An agency may not enter into a contract for the
10 creation or maintenance of a public records database if that
11 contract impairs the ability of the public to inspect or copy
12 the public records of the agency, including public records
13 that are on-line or stored in an electronic recordkeeping
14 system used by the agency.

15 (d) Subject to the restrictions of copyright and trade
16 secret laws and public records exemptions, agency use of
17 proprietary software must not diminish the right of the public
18 to inspect and copy a public record.

19 (e) Providing access to public records by remote
20 electronic means is an additional method of access that
21 agencies should strive to provide to the extent feasible. If
22 an agency provides access to public records by remote
23 electronic means, such access should be provided in the most
24 cost-effective and efficient manner available to the agency
25 providing the information.

26 (f) Each agency that maintains a public record in an
27 electronic recordkeeping system shall provide to any person,
28 pursuant to this chapter, a copy of any public record in that
29 system which is not exempted by law from public disclosure. An
30 agency must provide a copy of the record in the medium
31 requested if the agency maintains the record in that medium,

1 and the agency may charge a fee in accordance with this
 2 chapter. For the purpose of satisfying a public records
 3 request, the fee to be charged by an agency if it elects to
 4 provide a copy of a public record in a medium not routinely
 5 used by the agency, or if it elects to compile information not
 6 routinely developed or maintained by the agency or that
 7 requires a substantial amount of manipulation or programming,
 8 must be in accordance with s. 119.07(4).

9 (3) If public funds are expended by an agency defined
 10 in s. 119.011(2) in payment of dues or membership
 11 contributions for any person, corporation, foundation, trust,
 12 association, group, or other organization, all the financial,
 13 business, and membership records of that person, corporation,
 14 foundation, trust, association, group, or other organization
 15 which pertain to the public agency are public records and
 16 subject to the provisions of s. 119.07.

17 ~~(4) Each agency shall establish a program for the~~
 18 ~~disposal of records that do not have sufficient legal, fiscal,~~
 19 ~~administrative, or archival value in accordance with retention~~
 20 ~~schedules established by the records and information~~
 21 ~~management program of the Division of Library and Information~~
 22 ~~Services of the Department of State.~~

23 Section 3. Section 119.011, Florida Statutes, is
 24 amended to read:

25 119.011 Definitions.--As used in ~~For the purpose of~~
 26 this chapter, the term:

27 (1) "Actual cost of duplication" means the cost of the
 28 material and supplies used to duplicate the public record, but
 29 it does not include the labor cost or overhead cost associated
 30 with such duplication. ~~"Public records" means all documents,~~
 31 ~~papers, letters, maps, books, tapes, photographs, films, sound~~

1 ~~recordings, data processing software, or other material,~~
2 ~~regardless of the physical form, characteristics, or means of~~
3 ~~transmission, made or received pursuant to law or ordinance or~~
4 ~~in connection with the transaction of official business by any~~
5 ~~agency.~~

6 (2) "Agency" means any state, county, district,
7 authority, or municipal officer, department, division, board,
8 bureau, commission, or other separate unit of government
9 created or established by law including, for the purposes of
10 this chapter, the Commission on Ethics, the Public Service
11 Commission, and the Office of Public Counsel, and any other
12 public or private agency, person, partnership, corporation, or
13 business entity acting on behalf of any public agency.

14 (3)(a) "Criminal intelligence information" means
15 information with respect to an identifiable person or group of
16 persons collected by a criminal justice agency in an effort to
17 anticipate, prevent, or monitor possible criminal activity.

18 (b) "Criminal investigative information" means
19 information with respect to an identifiable person or group of
20 persons compiled by a criminal justice agency in the course of
21 conducting a criminal investigation of a specific act or
22 omission, including, but not limited to, information derived
23 from laboratory tests, reports of investigators or informants,
24 or any type of surveillance.

25 (c) "Criminal intelligence information" and "criminal
26 investigative information" shall not include:

27 1. The time, date, location, and nature of a reported
28 crime.

29 2. The name, sex, age, and address of a person
30 arrested or of the victim of a crime except as provided in s.

31 119.07(6)~~(3)~~(f).

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- 1 3. The time, date, and location of the incident and of
2 the arrest.
- 3 4. The crime charged.
- 4 5. Documents given or required by law or agency rule
5 to be given to the person arrested, except as provided in s.
6 119.07(6)~~(3)~~(f), and, except that the court in a criminal case
7 may order that certain information required by law or agency
8 rule to be given to the person arrested be maintained in a
9 confidential manner and exempt from the provisions of s.
10 119.07(1) until released at trial if it is found that the
11 release of such information would:
- 12 a. Be defamatory to the good name of a victim or
13 witness or would jeopardize the safety of such victim or
14 witness; and
- 15 b. Impair the ability of a state attorney to locate or
16 prosecute a codefendant.
- 17 6. Informations and indictments except as provided in
18 s. 905.26.
- 19 (d) The word "active" shall have the following
20 meaning:
- 21 1. Criminal intelligence information shall be
22 considered "active" as long as it is related to intelligence
23 gathering conducted with a reasonable, good faith belief that
24 it will lead to detection of ongoing or reasonably anticipated
25 criminal activities.
- 26 2. Criminal investigative information shall be
27 considered "active" as long as it is related to an ongoing
28 investigation which is continuing with a reasonable, good
29 faith anticipation of securing an arrest or prosecution in the
30 foreseeable future.
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1 In addition, criminal intelligence and criminal investigative
2 information shall be considered "active" while such
3 information is directly related to pending prosecutions or
4 appeals. The word "active" shall not apply to information in
5 cases which are barred from prosecution under the provisions
6 of s. 775.15 or other statute of limitation.

7 (4) "Criminal justice agency" means:

8 (a) Any law enforcement agency, court, or prosecutor;

9 ~~The term also includes~~

10 (b) Any other agency charged by law with criminal law
11 enforcement duties; ~~or~~

12 (c) Any agency having custody of criminal intelligence
13 information or criminal investigative information for the
14 purpose of assisting such law enforcement agencies in the
15 conduct of active criminal investigation or prosecution or for
16 the purpose of litigating civil actions under the Racketeer
17 Influenced and Corrupt Organization Act, during the time that
18 such agencies are in possession of criminal intelligence
19 information or criminal investigative information pursuant to
20 their criminal law enforcement duties; or. ~~The term also~~
21 ~~includes~~

22 (d) The Department of Corrections.

23 (5) "Custodian of public records" means the elected or
24 appointed state, county, or municipal officer charged with the
25 responsibility of maintaining the office having public
26 records, or his or her designee.

27 (6) "Data processing software" means the programs and
28 routines used to employ and control the capabilities of data
29 processing hardware, including, but not limited to, operating
30 systems, compilers, assemblers, utilities, library routines,
31 maintenance routines, applications, and computer networking

1 programs.

2 (7) "Duplicated copies" means new copies produced by
3 duplicating, as defined in s. 283.30.

4 (8) "Exemption" means a provision of general law which
5 provides that a specified record or meeting, or portion
6 thereof, is not subject to the access requirements of s.
7 119.07(1), s. 286.011, or s. 24, Art. I of the State
8 Constitution.

9 (9) "Information technology resources" has the meaning
10 ascribed in s. 282.0041(7).

11 (10) "Proprietary software" means data processing
12 software that is protected by copyright or trade secret laws.

13 (11) "Public records" means all documents, papers,
14 letters, maps, books, tapes, photographs, films, sound
15 recordings, data processing software, or other material,
16 regardless of the physical form, characteristics, or means of
17 transmission, made or received pursuant to law or ordinance or
18 in connection with the transaction of official business by any
19 agency.

20 (12) "Sensitive," for purposes of defining
21 agency-produced software that is sensitive, means only those
22 portions of data processing software, including the
23 specifications and documentation, which are used to:

24 (a) Collect, process, store, and retrieve information
25 that is exempt from s. 119.07(1);

26 (b) Collect, process, store, and retrieve financial
27 management information of the agency, such as payroll and
28 accounting records; or

29 (c) Control and direct access authorizations and
30 security measures for automated systems.

31 Section 4. Sections 119.0115, 119.012, and 119.02,

1 Florida Statutes, are repealed.

2 Section 5. Section 119.021, Florida Statutes, is
3 amended to read:

4 (Substantial rewording of section. See
5 s. 119.021, F.S., for present text.)

6 119.021 Custodial requirements; maintenance,
7 preservation, and retention of public records.--

8 (1) Public records shall be maintained and preserved
9 as follows:

10 (a) All public records should be kept in the buildings
11 in which they are ordinarily used.

12 (b) Insofar as practicable, a custodian of public
13 records of vital, permanent, or archival records shall keep
14 them in fireproof and waterproof safes, vaults, or rooms
15 fitted with noncombustible materials and in such arrangement
16 as to be easily accessible for convenient use.

17 (c)1. Record books should be copied or repaired,
18 renovated, or rebound if worn, mutilated, damaged, or
19 difficult to read.

20 2. Whenever any state, county, or municipal records
21 are in need of repair, restoration, or rebinding, the head of
22 the concerned state agency, department, board, or commission;
23 the board of county commissioners of such county; or the
24 governing body of such municipality may authorize that such
25 records be removed from the building or office in which such
26 records are ordinarily kept for the length of time required to
27 repair, restore, or rebind them.

28 3. Any public official who causes a record book to be
29 copied shall attest and certify under oath that the copy is an
30 accurate copy of the original book. The copy shall then have
31 the force and effect of the original.

1 (2)(a) The Division of Library and Information
2 Services of the Department of State shall adopt rules to
3 establish retention schedules and a disposal process for
4 public records.

5 (b) Each agency shall comply with the rules
6 establishing retention schedules and disposal processes for
7 public records which are adopted by the records and
8 information management program of the division.

9 (c) Every public official shall systematically dispose
10 of records no longer needed, subject to the consent of the
11 records and information management program of the division in
12 accordance with s. 257.36.

13 (d) The division may ascertain the condition of public
14 records and shall give advice and assistance to public
15 officials to solve problems related to the preservation,
16 creation, filing, and public accessibility of public records
17 in their custody. Public officials shall assist the division
18 by preparing an inclusive inventory of categories of public
19 records in their custody. The division shall establish a time
20 period for the retention or disposal of each series of
21 records. Upon the completion of the inventory and schedule,
22 the division shall, subject to the availability of necessary
23 space, staff, and other facilities for such purposes, make
24 space available in its records center for the filing of
25 semicurrent records so scheduled and in its archives for
26 noncurrent records of permanent value, and shall render such
27 other assistance as needed, including the microfilming of
28 records so scheduled.

29 (3) Agency orders that comprise final agency action
30 and that must be indexed or listed pursuant to s. 120.53 have
31 continuing legal significance; therefore, notwithstanding any

1 other provision of this chapter or any provision of chapter
2 257, each agency shall permanently maintain records of such
3 orders pursuant to the applicable rules of the Department of
4 State.

5 (4)(a) Whoever has custody of any public records shall
6 deliver, at the expiration of his or her term of office, to
7 his or her successor or, if there be none, to the records and
8 information management program of the Division of Library and
9 Information Services of the Department of State, all public
10 records kept or received by him or her in the transaction of
11 official business.

12 (b) Whoever is entitled to custody of public records
13 shall demand them from any person having illegal possession of
14 them, who must forthwith deliver the same to him or her. Any
15 person unlawfully possessing public records must within 10
16 days deliver such records to the lawful custodian of public
17 records unless just cause exists for failing to deliver such
18 records.

19 Section 6. Sections 119.031, 119.041, 119.05, and
20 119.06, Florida Statutes, are repealed.

21 Section 7. Section 119.07, Florida Statutes, as
22 amended by chapter 2001-364, Laws of Florida, is amended to
23 read:

24 119.07 Inspection, ~~examination,~~ and copying
25 duplication of records; ~~fees;~~ exemptions.--

26 (1)(a) Every person who has custody of a public record
27 shall permit the record to be inspected and copied ~~examined~~ by
28 any person desiring to do so, at any reasonable time, under
29 reasonable conditions, and under supervision by the custodian
30 of ~~the public records record or the custodian's designee.~~

31 (b) A person who has custody of a public record who

1 asserts that an exemption applies to a part of such record
2 shall delete or excise from a copy of that record that portion
3 of the record to which an exemption has been asserted and
4 validly applies, and such person shall produce the remainder
5 of such record for inspection and copying.

6 (c) If the person who has custody of a public record
7 contends that the record or part of it is exempt from
8 inspection and copying, he or she shall state the basis of the
9 exemption that he or she contends is applicable to the record,
10 including the statutory citation to an exemption created or
11 afforded by statute.

12 (d) If requested by the person seeking to inspect or
13 copy the record, the custodian of public records shall state
14 in writing and with particularity the reasons for the
15 conclusion that the record is exempt.

16 (e) In any civil action in which an exemption to this
17 section is asserted, if the exemption is alleged to exist
18 under or by virtue of paragraph (6)(c), paragraph (6)(d),
19 paragraph (6)(e), paragraph (6)(k), paragraph (6)(l), or
20 paragraph (6)(o), the public record or part thereof in
21 question shall be submitted to the court for an inspection in
22 camera. If an exemption is alleged to exist under or by virtue
23 of paragraph (6)(b), an inspection in camera will be
24 discretionary with the court. If the court finds that the
25 asserted exemption is not applicable, it shall order the
26 public record or part thereof in question to be immediately
27 produced for inspection or copying as requested by the person
28 seeking such access.

29 (f) Even if an assertion is made by the custodian of
30 public records that a requested record is not a public record
31 subject to public inspection or copying under this subsection,

1 the requested record shall, nevertheless, not be disposed of
2 for a period of 30 days after the date on which a written
3 request to inspect or copy the record was served on or
4 otherwise made to the custodian of public records by the
5 person seeking access to the record. If a civil action is
6 instituted within the 30-day period to enforce the provisions
7 of this section with respect to the requested record, the
8 custodian of public records may not dispose of the record
9 except by order of a court of competent jurisdiction after
10 notice to all affected parties.

11 (g) The absence of a civil action instituted for the
12 purpose stated in paragraph (e) does not relieve the custodian
13 of public records of the duty to maintain the record as a
14 public record if the record is in fact a public record subject
15 to public inspection and copying under this subsection and
16 does not otherwise excuse or exonerate the custodian of public
17 records from any unauthorized or unlawful disposition of such
18 record.

19 (2)(a) Any person shall have the right of access to
20 public records for the purpose of making photographs of the
21 record while in the possession, custody, and control of the
22 custodian of public records.

23 (b) This subsection applies to the making of
24 photographs in the conventional sense by use of a camera
25 device to capture images of public records but excludes the
26 duplication of microfilm in the possession of the clerk of the
27 circuit court where a copy of the microfilm may be made
28 available by the clerk.

29 (c) Photographing public records shall be done under
30 the supervision of the custodian of public records, who may
31 adopt and enforce reasonable rules governing the work.

1 (d) Photographing of public records shall be done in
2 the room where the public records are kept. If, in the
3 judgment of the custodian of public records, this is
4 impossible or impracticable, the work shall be done in another
5 room or place, as nearly adjacent as possible to the room
6 where the public records are kept, to be determined by the
7 custodian of public records. Where provision of another room
8 or place for photographing is required, the expense of
9 providing the same shall be paid by the person desiring to
10 photograph the public record pursuant to paragraph (4)(e).

11 (3)(a) As an additional means of inspecting or copying
12 public records, a custodian of public records may provide
13 access to public records by remote electronic means, provided
14 confidential or exempt information is not disclosed.

15 (b) The custodian of public records shall provide
16 safeguards to protect the contents of public records from
17 unauthorized remote electronic access or alteration and to
18 prevent the disclosure or modification of those portions of
19 public records which are exempt from subsection (1) or s. 24,
20 Art. I of the State Constitution.

21 (c) Unless otherwise required by law, the custodian of
22 public records may charge a fee for remote electronic access,
23 granted under a contractual arrangement with a user, which fee
24 may include the direct and indirect costs of providing such
25 access. Fees for remote electronic access provided to the
26 general public shall be in accordance with the provisions of
27 this section.

28 (4) The custodian of public records shall furnish a
29 copy or a certified copy of the record upon payment of the fee
30 prescribed by law.~~or,~~ If a fee is not prescribed by law, the
31 following fees are authorized:

1 (a)1. Up to 15 cents per one-sided copy for duplicated
2 copies of not more than 14 inches by 8 1/2 inches;

3 2. An agency may charge no more than an additional 5
4 cents for each two-sided copy; ~~upon payment of not more than~~
5 ~~15 cents per one-sided copy, and~~

6 3. For all other copies, upon payment of the actual
7 cost of duplication of the public record. An agency may
8 ~~charge no more than an additional 5 cents for each two-sided~~
9 ~~duplicated copy. For purposes of this section, duplicated~~
10 ~~copies shall mean new copies produced by duplicating, as~~
11 ~~defined in s. 283.30. The phrase "actual cost of duplication"~~
12 ~~means the cost of the material and supplies used to duplicate~~
13 ~~the record, but it does not include the labor cost or overhead~~
14 ~~cost associated with such duplication. However,~~

15 (b) The charge for copies of county maps or aerial
16 photographs supplied by county constitutional officers may
17 also include a reasonable charge for the labor and overhead
18 associated with their duplication. ~~Unless otherwise provided~~
19 ~~by law, the fees to be charged for duplication of public~~
20 ~~records shall be collected, deposited, and accounted for in~~
21 ~~the manner prescribed for other operating funds of the agency.~~

22 (c) An agency may charge up to \$1 per copy for a
23 certified copy of a public record.

24 (d)~~(b)~~ If the nature or volume of public records
25 requested to be inspected, ~~examined,~~ or copied pursuant to
26 this subsection is such as to require extensive use of
27 information technology resources or extensive clerical or
28 supervisory assistance by personnel of the agency involved, or
29 both, the agency may charge, in addition to the actual cost of
30 duplication, a special service charge, which shall be
31 reasonable and shall be based on the cost incurred for such

1 extensive use of information technology resources or the labor
2 cost of the personnel providing the service that is actually
3 incurred by the agency or attributable to the agency for the
4 clerical and supervisory assistance required, or both.

5 (e)1. Where provision of another room or place is
6 necessary to photograph public records, the expense of
7 providing the same shall be paid by the person desiring to
8 photograph the public records.

9 2. The custodian of public records may charge the
10 person making the photographs for supervision services at a
11 rate of compensation to be agreed upon by the person desiring
12 to make the photographs and the custodian of public records.
13 If they fail to agree as to the appropriate charge, then the
14 charge is to be determined by the custodian of public records.

15 ~~"Information technology resources" means data processing~~
16 ~~hardware and software and services, communications, supplies,~~
17 ~~personnel, facility resources, maintenance, and training.~~

18 (5)(c) When ballots are produced under this section
19 for inspection or examination, no persons other than the
20 supervisor of elections or the supervisor's employees shall
21 touch the ballots. The supervisor of elections shall make a
22 reasonable effort to notify all candidates by telephone or
23 otherwise of the time and place of the inspection or
24 examination. All such candidates, or their representatives,
25 shall be allowed to be present during the inspection or
26 examination.

27 ~~(2)(a) A person who has custody of a public record and~~
28 ~~who asserts that an exemption provided in subsection (3) or in~~
29 ~~a general or special law applies to a particular public record~~
30 ~~or part of such record shall delete or excise from the record~~
31 ~~only that portion of the record with respect to which an~~

1 ~~exemption has been asserted and validly applies, and such~~
2 ~~person shall produce the remainder of such record for~~
3 ~~inspection and examination. If the person who has custody of~~
4 ~~a public record contends that the record or part of it is~~
5 ~~exempt from inspection and examination, he or she shall state~~
6 ~~the basis of the exemption which he or she contends is~~
7 ~~applicable to the record, including the statutory citation to~~
8 ~~an exemption created or afforded by statute, and, if requested~~
9 ~~by the person seeking the right under this subsection to~~
10 ~~inspect, examine, or copy the record, he or she shall state in~~
11 ~~writing and with particularity the reasons for the conclusion~~
12 ~~that the record is exempt.~~

13 ~~(b) In any civil action in which an exemption to~~
14 ~~subsection (1) is asserted, if the exemption is alleged to~~
15 ~~exist under or by virtue of paragraph (c), paragraph (d),~~
16 ~~paragraph (e), paragraph (k), paragraph (l), or paragraph (o)~~
17 ~~of subsection (3), the public record or part thereof in~~
18 ~~question shall be submitted to the court for an inspection in~~
19 ~~camera. If an exemption is alleged to exist under or by~~
20 ~~virtue of paragraph (b) of subsection (3), an inspection in~~
21 ~~camera will be discretionary with the court. If the court~~
22 ~~finds that the asserted exemption is not applicable, it shall~~
23 ~~order the public record or part thereof in question to be~~
24 ~~immediately produced for inspection, examination, or copying~~
25 ~~as requested by the person seeking such access.~~

26 ~~(c) Even if an assertion is made by the custodian of a~~
27 ~~public record that a requested record is not a public record~~
28 ~~subject to public inspection and examination under subsection~~
29 ~~(1), the requested record shall, nevertheless, not be disposed~~
30 ~~of for a period of 30 days after the date on which a written~~
31 ~~request requesting the right to inspect, examine, or copy the~~

1 ~~record was served on or otherwise made to the custodian of the~~
2 ~~record by the person seeking access to the record. If a civil~~
3 ~~action is instituted within the 30-day period to enforce the~~
4 ~~provisions of this section with respect to the requested~~
5 ~~record, the custodian shall not dispose of the record except~~
6 ~~by order of a court of competent jurisdiction after notice to~~
7 ~~all affected parties.~~

8 ~~(d) The absence of a civil action instituted for the~~
9 ~~purpose stated in paragraph (c) will not relieve the custodian~~
10 ~~of the duty to maintain the record as a public record if the~~
11 ~~record is in fact a public record subject to public inspection~~
12 ~~and examination under subsection (1) and will not otherwise~~
13 ~~excuse or exonerate the custodian from any unauthorized or~~
14 ~~unlawful disposition of such record.~~

15 ~~(6)(3)(a)~~ Examination questions and answer sheets of
16 examinations administered by a governmental agency for the
17 purpose of licensure, certification, or employment are exempt
18 from the provisions of subsection (1) and s. 24(a), Art. I of
19 the State Constitution. A person who has taken such an
20 examination shall have the right to review his or her own
21 completed examination.

22 (b)1. Active criminal intelligence information and
23 active criminal investigative information are exempt from the
24 provisions of subsection (1) and s. 24(a), Art. I of the State
25 Constitution.

26 2. A request of a law enforcement agency to inspect or
27 copy a public record that is in the custody of another agency,
28 the custodian's response to the request, and any information
29 that would identify the public record that was requested by
30 the law enforcement agency or provided by the custodian are
31 exempt from the requirements of subsection (1) and s. 24(a),

1 Art. I of the State Constitution, during the period in which
2 the information constitutes criminal intelligence
3 ~~criminal intelligence~~ information or criminal investigative
4 ~~criminal investigative~~ information that is active. This
5 exemption is remedial in nature and it is the intent of the
6 Legislature that the exemption be applied to requests for
7 information received before, on, or after the effective date
8 of this subparagraph. The law enforcement agency shall give
9 notice to the custodial agency when the criminal intelligence
10 ~~criminal intelligence~~ information or criminal investigative
11 ~~criminal investigative~~ information is no longer active, so
12 that the custodian's response to the request and information
13 that would identify the public record requested are available
14 to the public. This subparagraph is subject to the Open
15 Government Sunset Review Act of 1995 in accordance with s.
16 119.15 and shall stand repealed October 2, 2007, unless
17 reviewed and saved from repeal through reenactment by the
18 Legislature.

19 (c) Any information revealing the identity of a
20 confidential informant or a confidential source is exempt from
21 the provisions of subsection (1) and s. 24(a), Art. I of the
22 State Constitution.

23 (d) Any information revealing surveillance techniques
24 or procedures or personnel is exempt from the provisions of
25 subsection (1) and s. 24(a), Art. I of the State Constitution.
26 Any comprehensive inventory of state and local law enforcement
27 resources compiled pursuant to part I, chapter 23, and any
28 comprehensive policies or plans compiled by a criminal justice
29 agency pertaining to the mobilization, deployment, or tactical
30 operations involved in responding to emergencies, as defined
31 in s. 252.34(3), are exempt from the provisions of subsection

1 (1) and s. 24(a), Art. I of the State Constitution and
2 unavailable for inspection, except by personnel authorized by
3 a state or local law enforcement agency, the office of the
4 Governor, the Department of Legal Affairs, the Department of
5 Law Enforcement, or the Department of Community Affairs as
6 having an official need for access to the inventory or
7 comprehensive policies or plans.

8 (e) Any information revealing undercover personnel of
9 any criminal justice agency is exempt from the provisions of
10 subsection (1) and s. 24(a), Art. I of the State Constitution.

11 (f) Any criminal intelligence information or criminal
12 investigative information including the photograph, name,
13 address, or other fact or information which reveals the
14 identity of the victim of the crime of sexual battery as
15 defined in chapter 794; the identity of the victim of a lewd
16 or lascivious offense committed upon or in the presence of a
17 person less than 16 years of age, as defined in chapter 800;
18 or the identity of the victim of the crime of child abuse as
19 defined by chapter 827 and any criminal intelligence
20 information or criminal investigative information or other
21 criminal record, including those portions of court records and
22 court proceedings, which may reveal the identity of a person
23 who is a victim of any sexual offense, including a sexual
24 offense proscribed in chapter 794, chapter 800, or chapter
25 827, is exempt from the provisions of subsection (1) and s.
26 24(a), Art. I of the State Constitution.

27 (g) Any criminal intelligence information or criminal
28 investigative information which reveals the personal assets of
29 the victim of a crime, other than property stolen or destroyed
30 during the commission of the crime, is exempt from the
31 provisions of subsection (1) and s. 24(a), Art. I of the State

1 Constitution.

2 (h) All criminal intelligence and criminal
3 investigative information received by a criminal justice
4 agency prior to January 25, 1979, is exempt from the
5 provisions of subsection (1) and s. 24(a), Art. I of the State
6 Constitution.

7 (i)1. The home addresses, telephone numbers, social
8 security numbers, and photographs of active or former law
9 enforcement personnel, including correctional and correctional
10 probation officers, personnel of the Department of Children
11 and Family Services whose duties include the investigation of
12 abuse, neglect, exploitation, fraud, theft, or other criminal
13 activities, personnel of the Department of Health whose duties
14 are to support the investigation of child abuse or neglect,
15 and personnel of the Department of Revenue or local
16 governments whose responsibilities include revenue collection
17 and enforcement or child support enforcement; the home
18 addresses, telephone numbers, social security numbers,
19 photographs, and places of employment of the spouses and
20 children of such personnel; and the names and locations of
21 schools and day care facilities attended by the children of
22 such personnel are exempt from the provisions of subsection
23 (1). The home addresses, telephone numbers, and photographs of
24 firefighters certified in compliance with s. 633.35; the home
25 addresses, telephone numbers, photographs, and places of
26 employment of the spouses and children of such firefighters;
27 and the names and locations of schools and day care facilities
28 attended by the children of such firefighters are exempt from
29 subsection (1). The home addresses and telephone numbers of
30 justices of the Supreme Court, district court of appeal
31 judges, circuit court judges, and county court judges; the

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1 home addresses, telephone numbers, and places of employment of
2 the spouses and children of justices and judges; and the names
3 and locations of schools and day care facilities attended by
4 the children of justices and judges are exempt from the
5 provisions of subsection (1). The home addresses, telephone
6 numbers, social security numbers, and photographs of current
7 or former state attorneys, assistant state attorneys,
8 statewide prosecutors, or assistant statewide prosecutors; the
9 home addresses, telephone numbers, social security numbers,
10 photographs, and places of employment of the spouses and
11 children of current or former state attorneys, assistant state
12 attorneys, statewide prosecutors, or assistant statewide
13 prosecutors; and the names and locations of schools and day
14 care facilities attended by the children of current or former
15 state attorneys, assistant state attorneys, statewide
16 prosecutors, or assistant statewide prosecutors are exempt
17 from subsection (1) and s. 24(a), Art. I of the State
18 Constitution.

19 2. The home addresses, telephone numbers, social
20 security numbers, and photographs of current or former human
21 resource, labor relations, or employee relations directors,
22 assistant directors, managers, or assistant managers of any
23 local government agency or water management district whose
24 duties include hiring and firing employees, labor contract
25 negotiation, administration, or other personnel-related
26 duties; the names, home addresses, telephone numbers, social
27 security numbers, photographs, and places of employment of the
28 spouses and children of such personnel; and the names and
29 locations of schools and day care facilities attended by the
30 children of such personnel are exempt from subsection (1) and
31 s. 24(a), Art. I of the State Constitution. This subparagraph

1 is subject to the Open Government Sunset Review Act of 1995 in
2 accordance with s. 119.15, and shall stand repealed on October
3 2, 2006, unless reviewed and saved from repeal through
4 reenactment by the Legislature.

5 3. The home addresses, telephone numbers, social
6 security numbers, and photographs of current or former code
7 enforcement officers; the names, home addresses, telephone
8 numbers, social security numbers, photographs, and places of
9 employment of the spouses and children of such persons; and
10 the names and locations of schools and day care facilities
11 attended by the children of such persons are exempt from
12 subsection (1) and s. 24(a), Art. I of the State Constitution.
13 This subparagraph is subject to the Open Government Sunset
14 Review Act of 1995 in accordance with s. 119.15, and shall
15 stand repealed on October 2, 2006, unless reviewed and saved
16 from repeal through reenactment by the Legislature.

17 4. An agency that is the custodian of the personal
18 information specified in subparagraph 1., subparagraph 2., or
19 subparagraph 3. and that is not the employer of the officer,
20 employee, justice, judge, or other person specified in
21 subparagraph 1., subparagraph 2., or subparagraph 3. shall
22 maintain the exempt status ~~confidentiality~~ of the personal
23 information only if the officer, employee, justice, judge,
24 other person, or employing agency of the designated employee
25 submits a written request for maintenance of the exemption
26 ~~confidentiality~~ to the custodial agency.

27 (j) Any information provided to an agency of state
28 government or to an agency of a political subdivision of the
29 state for the purpose of forming ridesharing arrangements,
30 which information reveals the identity of an individual who
31 has provided his or her name for ridesharing, as defined in s.

1 341.031, is exempt from the provisions of subsection (1) and
2 s. 24(a), Art. I of the State Constitution.

3 (k) Any information revealing the substance of a
4 confession of a person arrested is exempt from the provisions
5 of subsection (1) and s. 24(a), Art. I of the State
6 Constitution, until such time as the criminal case is finally
7 determined by adjudication, dismissal, or other final
8 disposition.

9 (l)1. A public record which was prepared by an agency
10 attorney (including an attorney employed or retained by the
11 agency or employed or retained by another public officer or
12 agency to protect or represent the interests of the agency
13 having custody of the record) or prepared at the attorney's
14 express direction, which reflects a mental impression,
15 conclusion, litigation strategy, or legal theory of the
16 attorney or the agency, and which was prepared exclusively for
17 civil or criminal litigation or for adversarial administrative
18 proceedings, or which was prepared in anticipation of imminent
19 civil or criminal litigation or imminent adversarial
20 administrative proceedings, is exempt from the provisions of
21 subsection (1) and s. 24(a), Art. I of the State Constitution
22 until the conclusion of the litigation or adversarial
23 administrative proceedings. For purposes of capital collateral
24 litigation as set forth in s. 27.7001, the Attorney General's
25 office is entitled to claim this exemption for those public
26 records prepared for direct appeal as well as for all capital
27 collateral litigation after direct appeal until execution of
28 sentence or imposition of a life sentence.

29 2. This exemption is not waived by the release of such
30 public record to another public employee or officer of the
31 same agency or any person consulted by the agency attorney.

1 When asserting the right to withhold a public record pursuant
2 to this paragraph, the agency shall identify the potential
3 parties to any such criminal or civil litigation or
4 adversarial administrative proceedings. If a court finds that
5 the document or other record has been improperly withheld
6 under this paragraph, the party seeking access to such
7 document or record shall be awarded reasonable attorney's fees
8 and costs in addition to any other remedy ordered by the
9 court.

10 (m) Sealed bids or proposals received by an agency
11 pursuant to invitations to bid or requests for proposals are
12 exempt from the provisions of subsection (1) and s. 24(a),
13 Art. I of the State Constitution until such time as the agency
14 provides notice of a decision or intended decision pursuant to
15 s. 120.57(3)(a) or within 10 days after bid or proposal
16 opening, whichever is earlier.

17 (n) When an agency of the executive branch of state
18 government seeks to acquire real property by purchase or
19 through the exercise of the power of eminent domain all
20 appraisals, other reports relating to value, offers, and
21 counteroffers must be in writing and are exempt from the
22 provisions of subsection (1) and s. 24(a), Art. I of the State
23 Constitution until execution of a valid option contract or a
24 written offer to sell that has been conditionally accepted by
25 the agency, at which time the exemption shall expire. The
26 agency shall not finally accept the offer for a period of 30
27 days in order to allow public review of the transaction. The
28 agency may give conditional acceptance to any option or offer
29 subject only to final acceptance by the agency after the
30 30-day review period. If a valid option contract is not
31 executed, or if a written offer to sell is not conditionally

1 accepted by the agency, then the exemption from the provisions
2 of this chapter shall expire at the conclusion of the
3 condemnation litigation of the subject property. An agency of
4 the executive branch may exempt title information, including
5 names and addresses of property owners whose property is
6 subject to acquisition by purchase or through the exercise of
7 the power of eminent domain, from the provisions of subsection
8 (1) and s. 24(a), Art. I of the State Constitution to the same
9 extent as appraisals, other reports relating to value, offers,
10 and counteroffers. For the purpose of this paragraph, "option
11 contract" means an agreement of an agency of the executive
12 branch of state government to purchase real property subject
13 to final agency approval. This paragraph shall have no
14 application to other exemptions from the provisions of
15 subsection (1) which are contained in other provisions of law
16 and shall not be construed to be an express or implied repeal
17 thereof.

18 (o) Data processing software obtained by an agency
19 under a licensing agreement which prohibits its disclosure and
20 which software is a trade secret, as defined in s. 812.081,
21 and agency-produced data processing software which is
22 sensitive are exempt from the provisions of subsection (1) and
23 s. 24(a), Art. I of the State Constitution. The designation
24 of agency-produced software as sensitive shall not prohibit an
25 agency head from sharing or exchanging such software with
26 another public agency. ~~As used in this paragraph:~~

27 ~~1. "Data processing software" means the programs and~~
28 ~~routines used to employ and control the capabilities of data~~
29 ~~processing hardware, including, but not limited to, operating~~
30 ~~systems, compilers, assemblers, utilities, library routines,~~
31 ~~maintenance routines, applications, and computer networking~~

1 ~~programs.~~
2 2. ~~"Sensitive" means only those portions of data~~
3 ~~processing software, including the specifications and~~
4 ~~documentation, used to:~~
5 a. ~~Collect, process, store, and retrieve information~~
6 ~~which is exempt from the provisions of subsection (1);~~
7 b. ~~Collect, process, store, and retrieve financial~~
8 ~~management information of the agency, such as payroll and~~
9 ~~accounting records; or~~
10 c. ~~Control and direct access authorizations and~~
11 ~~security measures for automated systems.~~
12 (p) All complaints and other records in the custody of
13 any unit of local government which relate to a complaint of
14 discrimination relating to race, color, religion, sex,
15 national origin, age, handicap, marital status, sale or rental
16 of housing, the provision of brokerage services, or the
17 financing of housing are exempt from the provisions of
18 subsection (1) and s. 24(a), Art. I of the State Constitution
19 until a finding is made relating to probable cause, the
20 investigation of the complaint becomes inactive, or the
21 complaint or other record is made part of the official record
22 of any hearing or court proceeding. This provision shall not
23 affect any function or activity of the Florida Commission on
24 Human Relations. Any state or federal agency which is
25 authorized to have access to such complaints or records by any
26 provision of law shall be granted such access in the
27 furtherance of such agency's statutory duties, notwithstanding
28 the provisions of this section. This paragraph shall not be
29 construed to modify or repeal any special or local act.
30 (q) All complaints and other records in the custody of
31 any agency in the executive branch of state government which

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1 relate to a complaint of discrimination relating to race,
2 color, religion, sex, national origin, age, handicap, or
3 marital status in connection with hiring practices, position
4 classifications, salary, benefits, discipline, discharge,
5 employee performance, evaluation, or other related activities
6 are exempt from the provisions of subsection (1) and s. 24(a),
7 Art. I of the State Constitution until a finding is made
8 relating to probable cause, the investigation of the complaint
9 becomes inactive, or the complaint or other record is made
10 part of the official record of any hearing or court
11 proceeding. This provision shall not affect any function or
12 activity of the Florida Commission on Human Relations. Any
13 state or federal agency which is authorized to have access to
14 such complaints or records by any provision of law shall be
15 granted such access in the furtherance of such agency's
16 statutory duties, notwithstanding the provisions of this
17 section.

18 (r) All records supplied by a telecommunications
19 company, as defined by s. 364.02, to a state or local
20 governmental agency which contain the name, address, and
21 telephone number of subscribers are confidential and exempt
22 from the provisions of subsection (1) and s. 24(a), Art. I of
23 the State Constitution.

24 (s)1. Any document that reveals the identity, home or
25 employment telephone number, home or employment address, or
26 personal assets of the victim of a crime and identifies that
27 person as the victim of a crime, which document is received by
28 any agency that regularly receives information from or
29 concerning the victims of crime, is exempt from the provisions
30 of subsection (1) and s. 24(a), Art. I of the State
31 Constitution. Any information not otherwise held confidential

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1 or exempt from the provisions of subsection (1) which reveals
2 the home or employment telephone number, home or employment
3 address, or personal assets of a person who has been the
4 victim of sexual battery, aggravated child abuse, aggravated
5 stalking, harassment, aggravated battery, or domestic violence
6 is exempt from the provisions of subsection (1) and s. 24(a),
7 Art. I of the State Constitution, upon written request by the
8 victim, which must include official verification that an
9 applicable crime has occurred. Such information shall cease
10 to be exempt 5 years after the receipt of the written request.
11 Any state or federal agency that is authorized to have access
12 to such documents by any provision of law shall be granted
13 such access in the furtherance of such agency's statutory
14 duties, notwithstanding the provisions of this section.

15 2. Any information in a videotaped statement of a
16 minor who is alleged to be or who is a victim of sexual
17 battery, lewd acts, or other sexual misconduct proscribed in
18 chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s.
19 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which
20 reveals that minor's identity, including, but not limited to,
21 the minor's face; the minor's home, school, church, or
22 employment telephone number; the minor's home, school, church,
23 or employment address; the name of the minor's school, church,
24 or place of employment; or the personal assets of the minor;
25 and which identifies that minor as the victim of a crime
26 described in this subparagraph, is confidential and exempt
27 from subsection (1) and s. 24(a), Art. I of the State
28 Constitution. Any governmental agency that is authorized to
29 have access to such statements by any provision of law shall
30 be granted such access in the furtherance of the agency's
31 statutory duties, notwithstanding the provisions of this

1 section. This subparagraph is subject to the Open Government
2 Sunset Review Act of 1995 in accordance with s. 119.15, and
3 shall stand repealed on October 2, 2003.

4 3. A public employee or officer who has access to the
5 videotaped statement of a minor who is alleged to be or who is
6 a victim of sexual battery, lewd acts, or other sexual
7 misconduct proscribed in chapter 800 or in s. 794.011, s.
8 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or
9 s. 847.0145, may not willfully and knowingly disclose
10 videotaped information that reveals that minor's identity to a
11 person who is not assisting in the investigation or
12 prosecution of the alleged offense or to any person other than
13 the defendant, the defendant's attorney, or a person specified
14 in an order entered by the court having jurisdiction of the
15 alleged offense.

16 4. A person who violates subparagraph 3. commits a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083.

19 (t) Any financial statement which an agency requires a
20 prospective bidder to submit in order to prequalify for
21 bidding or for responding to a proposal for a road or any
22 other public works project is exempt from the provisions of
23 subsection (1) and s. 24(a), Art. I of the State Constitution.

24 (u) Where the alleged victim chooses not to file a
25 complaint and requests that records of the complaint remain
26 confidential, all records relating to an allegation of
27 employment discrimination are confidential and exempt from the
28 provisions of subsection (1) and s. 24(a), Art. I of the State
29 Constitution.

30 (v) Medical information pertaining to a prospective,
31 current, or former officer or employee of an agency which, if

1 disclosed, would identify that officer or employee is exempt
2 from the provisions of subsection (1) and s. 24(a), Art. I of
3 the State Constitution. However, such information may be
4 disclosed if the person to whom the information pertains or
5 the person's legal representative provides written permission
6 or pursuant to court order.

7 (w)1. If certified pursuant to subparagraph 2., an
8 investigatory record of the Chief Inspector General within the
9 Executive Office of the Governor or of the employee designated
10 by an agency head as the agency inspector general under s.
11 112.3189 is exempt from the provisions of subsection (1) and
12 s. 24(a), Art. I of the State Constitution until the
13 investigation ceases to be active, or a report detailing the
14 investigation is provided to the Governor or the agency head,
15 or 60 days from the inception of the investigation for which
16 the record was made or received, whichever first occurs.
17 Investigatory records are those records which are related to
18 the investigation of an alleged, specific act or omission or
19 other wrongdoing, with respect to an identifiable person or
20 group of persons, based on information compiled by the Chief
21 Inspector General or by an agency inspector general, as named
22 under the provisions of s. 112.3189, in the course of an
23 investigation. An investigation is active if it is continuing
24 with a reasonable, good faith anticipation of resolution and
25 with reasonable dispatch.

26 2. The Governor, in the case of the Chief Inspector
27 General, or agency head, in the case of an employee designated
28 as the agency inspector general under s. 112.3189, may certify
29 such investigatory records require an exemption to protect the
30 integrity of the investigation or avoid unwarranted damage to
31 an individual's good name or reputation. The certification

1 shall specify the nature and purpose of the investigation and
2 shall be kept with the exempt records and made public when the
3 records are made public.

4 3. The provisions of this paragraph do not apply to
5 whistle-blower investigations conducted pursuant to the
6 provisions of ss. 112.3187, 112.3188, 112.3189, and 112.31895.

7 (x) The social security numbers of all current and
8 former agency employees which numbers are contained in agency
9 employment records are exempt from subsection (1) and exempt
10 from s. 24(a), Art. I of the State Constitution. As used in
11 this paragraph, the term "agency" means an agency as defined
12 in s. 119.011.

13 (y) The audit report of an internal auditor prepared
14 for or on behalf of a unit of local government becomes a
15 public record when the audit becomes final. As used in this
16 paragraph, "unit of local government" means a county,
17 municipality, special district, local agency, authority,
18 consolidated city-county government, or any other local
19 governmental body or public body corporate or politic
20 authorized or created by general or special law. An audit
21 becomes final when the audit report is presented to the unit
22 of local government. Audit workpapers and notes related to
23 such audit report are confidential and exempt from the
24 provisions of subsection (1) and s. 24(a), Art. I of the State
25 Constitution until the audit is completed and the audit report
26 becomes final.

27 ~~(z) Bank account numbers or debit, charge, or credit~~
28 ~~card numbers given to an agency for the purpose of payment of~~
29 ~~any fee or debt owing are confidential and exempt from~~
30 ~~subsection (1) and s. 24(a), Art. I of the State Constitution.~~
31 ~~However, such numbers may be used by an agency, as needed, in~~

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1 ~~any administrative or judicial proceeding, provided such~~
2 ~~numbers are kept confidential and exempt, unless otherwise~~
3 ~~ordered by the court. This paragraph is subject to the Open~~
4 ~~Government Sunset Review Act of 1995 in accordance with s.~~
5 ~~119.15, and shall stand repealed on October 2, 2001, unless~~
6 ~~reviewed and saved from repeal through reenactment by the~~
7 ~~Legislature.~~

8 (z)~~(aa)~~ Any data, record, or document used directly or
9 solely by a municipally owned utility to prepare and submit a
10 bid relative to the sale, distribution, or use of any service,
11 commodity, or tangible personal property to any customer or
12 prospective customer shall be exempt from the provisions of
13 subsection (1) and s. 24(a), Art. I of the State Constitution.
14 This exemption commences when a municipal utility identifies
15 in writing a specific bid to which it intends to respond. This
16 exemption no longer applies when the contract for sale,
17 distribution, or use of the service, commodity, or tangible
18 personal property is executed, a decision is made not to
19 execute such contract, or the project is no longer under
20 active consideration. The exemption in this paragraph includes
21 the bid documents actually furnished in response to the
22 request for bids. However, the exemption for the bid documents
23 submitted no longer applies after the bids are opened by the
24 customer or prospective customer.

25 (aa)~~(bb)~~ Upon a request made in a form designated by
26 the Department of Highway Safety and Motor Vehicles, personal
27 information contained in a motor vehicle record that
28 identifies the requester is exempt from subsection (1) and s.
29 24(a), Art. I of the State Constitution except as provided in
30 this paragraph. Personal information includes, but is not
31 limited to, the requester's social security number, driver

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1 identification number, name, address, telephone number, and
2 medical or disability information. For purposes of this
3 paragraph, personal information does not include information
4 relating to vehicular crashes, driving violations, and
5 driver's status. Such request may be made only by the person
6 who is the subject of the motor vehicle record. For purposes
7 of this paragraph, "motor vehicle record" means any record
8 that pertains to a motor vehicle operator's permit, motor
9 vehicle title, motor vehicle registration, or identification
10 card issued by the Department of Highway Safety and Motor
11 Vehicles. Personal information contained in motor vehicle
12 records exempted by an individual's request pursuant to this
13 paragraph shall be released by the department for any of the
14 following uses:

15 1. For use in connection with matters of motor vehicle
16 or driver safety and theft; motor vehicle emissions; motor
17 vehicle product alterations, recalls, or advisories;
18 performance monitoring of motor vehicles and dealers by motor
19 vehicle manufacturers; and removal of nonowner records from
20 the original owner records of motor vehicle manufacturers, to
21 carry out the purposes of the Automobile Information
22 Disclosure Act, the Motor Vehicle Information and Cost Saving
23 Act, the National Traffic and Motor Vehicle Safety Act of
24 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

25 2. For use by any government agency, including any
26 court or law enforcement agency, in carrying out its
27 functions, or any private person or entity acting on behalf of
28 a federal, state, or local agency in carrying out its
29 functions.

30 3. For use in connection with matters of motor vehicle
31 or driver safety and theft; motor vehicle emissions; motor

1 vehicle product alterations, recalls, or advisories;
2 performance monitoring of motor vehicles, motor vehicle parts,
3 and dealers; motor vehicle market research activities,
4 including survey research; and removal of nonowner records
5 from the original owner records of motor vehicle
6 manufacturers.

7 4. For use in the normal course of business by a
8 legitimate business or its agents, employees, or contractors,
9 but only:

10 a. To verify the accuracy of personal information
11 submitted by the individual to the business or its agents,
12 employees, or contractors; and

13 b. If such information as so submitted is not correct
14 or is no longer correct, to obtain the correct information,
15 but only for the purposes of preventing fraud by, pursuing
16 legal remedies against, or recovering on a debt or security
17 interest against, the individual.

18 5. For use in connection with any civil, criminal,
19 administrative, or arbitral proceeding in any court or agency
20 or before any self-regulatory body for:

21 a. Service of process by any certified process server,
22 special process server, or other person authorized to serve
23 process in this state.

24 b. Investigation in anticipation of litigation by an
25 attorney licensed to practice law in this state or the agent
26 of the attorney.

27 c. Investigation by any person in connection with any
28 filed proceeding.

29 d. Execution or enforcement of judgments and orders.

30 e. Compliance with an order of any court.

31 6. For use in research activities and for use in

1 producing statistical reports, so long as the personal
2 information is not published, redisclosed, or used to contact
3 individuals.

4 7. For use by any insurer or insurance support
5 organization, or by a self-insured entity, or its agents,
6 employees, or contractors, in connection with claims
7 investigation activities, anti-fraud activities, rating, or
8 underwriting.

9 8. For use in providing notice to the owners of towed
10 or impounded vehicles.

11 9. For use by any licensed private investigative
12 agency or licensed security service for any purpose permitted
13 under this paragraph. Personal information obtained based on
14 an exempt driver's record may not be provided to a client who
15 cannot demonstrate a need based on a police report, court
16 order, or a business or personal relationship with the subject
17 of the investigation.

18 10. For use by an employer or its agent or insurer to
19 obtain or verify information relating to a holder of a
20 commercial driver's license that is required under the
21 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.
22 2710 et seq.

23 11. For use in connection with the operation of
24 private toll transportation facilities.

25 12. For bulk distribution for surveys, marketing, or
26 solicitations when the department has implemented methods and
27 procedures to ensure that:

28 a. Individuals are provided an opportunity, in a clear
29 and conspicuous manner, to prohibit such uses; and

30 b. The information will be used, rented, or sold
31 solely for bulk distribution for survey, marketing, and

1 solicitations, and that surveys, marketing, and solicitations
2 will not be directed at those individuals who have timely
3 requested that they not be directed at them.

4 13. For any use if the requesting person demonstrates
5 that he or she has obtained the written consent of the person
6 who is the subject of the motor vehicle record.

7 14. For any other use specifically authorized by state
8 law, if such use is related to the operation of a motor
9 vehicle or public safety.

10

11 Personal information exempted from public disclosure according
12 to this paragraph may be disclosed by the Department of
13 Highway Safety and Motor Vehicles to an individual, firm,
14 corporation, or similar business entity whose primary business
15 interest is to resell or redisclose the personal information
16 to persons who are authorized to receive such information.
17 Prior to the department's disclosure of personal information,
18 such individual, firm, corporation, or similar business entity
19 must first enter into a contract with the department regarding
20 the care, custody, and control of the personal information to
21 ensure compliance with the federal Driver's Privacy Protection
22 Act of 1994 and applicable state laws. An authorized recipient
23 of personal information contained in a motor vehicle record,
24 except a recipient under subparagraph 12., may contract with
25 the Department of Highway Safety and Motor Vehicles to resell
26 or redisclose the information for any use permitted under this
27 paragraph. However, only authorized recipients of personal
28 information under subparagraph 12. may resell or redisclose
29 personal information pursuant to subparagraph 12. Any
30 authorized recipient who resells or rediscloses personal
31 information shall maintain, for a period of 5 years, records

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1 identifying each person or entity that receives the personal
2 information and the permitted purpose for which it will be
3 used. Such records shall be made available for inspection upon
4 request by the department. The department shall adopt rules to
5 carry out the purposes of this paragraph and the federal
6 Driver's Privacy Protection Act of 1994, Title XXX, Pub. L.
7 No. 103-322. Rules adopted by the department shall provide for
8 the payment of applicable fees and, prior to the disclosure of
9 personal information pursuant to this paragraph, shall require
10 the meeting of conditions by the requesting person for the
11 purposes of obtaining reasonable assurance concerning the
12 identity of such requesting person, and, to the extent
13 required, assurance that the use will be only as authorized or
14 that the consent of the person who is the subject of the
15 personal information has been obtained. Such conditions may
16 include, but need not be limited to, the making and filing of
17 a written application in such form and containing such
18 information and certification requirements as the department
19 requires.

20 (bb)~~(cc)~~1. Medical history records, bank account
21 numbers, credit card numbers, telephone numbers, and
22 information related to health or property insurance furnished
23 by an individual to any agency pursuant to federal, state, or
24 local housing assistance programs are confidential and exempt
25 from the provisions of subsection (1) and s. 24(a), Art. I of
26 the State Constitution. Any other information produced or
27 received by any private or public entity in direct connection
28 with federal, state, or local housing assistance programs,
29 unless the subject of another federal or state exemption, is
30 subject to subsection (1).

31 2. Governmental agencies or their agents are entitled

1 to access to the records specified in this paragraph for the
2 purposes of auditing federal, state, or local housing programs
3 or housing assistance programs. Such records may be used by an
4 agency, as needed, in any administrative or judicial
5 proceeding, provided such records are kept confidential and
6 exempt, unless otherwise ordered by a court.

7 3. This paragraph is repealed effective October 2,
8 2003, and must be reviewed by the Legislature before that date
9 in accordance with s. 119.15, the Open Government Sunset
10 Review Act of 1995.

11 (cc)~~(dd)~~ All personal identifying information; bank
12 account numbers; and debit, charge, and credit card numbers
13 contained in records relating to an individual's personal
14 health or eligibility for health-related services made or
15 received by the Department of Health or its service providers
16 are confidential and exempt from the provisions of subsection
17 (1) and s. 24(a), Art. I of the State Constitution, except as
18 otherwise provided in this paragraph. Information made
19 confidential and exempt by this paragraph shall be disclosed:

20 1. With the express written consent of the individual
21 or the individual's legally authorized representative.

22 2. In a medical emergency, but only to the extent
23 necessary to protect the health or life of the individual.

24 3. By court order upon a showing of good cause.

25 4. To a health research entity, if the entity seeks
26 the records or data pursuant to a research protocol approved
27 by the department, maintains the records or data in accordance
28 with the approved protocol, and enters into a purchase and
29 data-use agreement with the department, the fee provisions of
30 which are consistent with subsection (4) paragraph (1)(a).

31 The department may deny a request for records or data if the

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1 protocol provides for intrusive follow-back contacts, has not
2 been approved by a human studies institutional review board,
3 does not plan for the destruction of confidential records
4 after the research is concluded, is administratively
5 burdensome, or does not have scientific merit. The agreement
6 must restrict the release of any information, which would
7 permit the identification of persons, limit the use of records
8 or data to the approved research protocol, and prohibit any
9 other use of the records or data. Copies of records or data
10 issued pursuant to this subparagraph remain the property of
11 the department.

12

13 This paragraph is subject to the Open Government Sunset Review
14 Act of 1995, in accordance with s. 119.15, and shall stand
15 repealed on October 2, 2006, unless reviewed and saved from
16 repeal through reenactment by the Legislature.

17 (dd) Any videotape or video signal which, under an
18 agreement with an agency, is produced, made, or received by,
19 or is in the custody of, a federally licensed radio or
20 television station or its agent is exempt from this chapter.

21 (7)(4) Nothing in this section shall be construed to
22 exempt from subsection (1) a public record which was made a
23 part of a court file and which is not specifically closed by
24 order of court, except as provided in paragraphs (c), (d),
25 (e), (k), (l), and (o) of subsection (6)(3) and except
26 information or records which may reveal the identity of a
27 person who is a victim of a sexual offense as provided in
28 paragraph (f) of subsection (6)(3).

29 (8)(5) An exemption from this section does not imply
30 an exemption from or exception to s. 286.011. The exemption
31 from or exception to s. 286.011 must be expressly provided.

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1 (9)~~(6)~~ Nothing in subsection(6)~~(3)~~ or any other
2 general or special law shall limit the access of the Auditor
3 General, the Office of Program Policy Analysis and Government
4 Accountability, or any state, county, municipal, university,
5 board of community college, school district, or special
6 district internal auditor to public records when such person
7 states in writing that such records are needed for a properly
8 authorized audit, examination, or investigation. Such person
9 shall maintain the confidential or exempt status
10 ~~confidentiality of a any public record records~~ that is are
11 confidential or exempt from the provisions of subsection (1),
12 and shall be subject to the same penalties as the custodian
13 ~~custodians of that record those public records for public~~
14 disclosure of such record violating confidentiality.

15 (10)~~(7)~~(a) Any person or organization, including the
16 Department of Children and Family Services, may petition the
17 court for an order making public the records of the Department
18 of Children and Family Services that pertain to investigations
19 of alleged abuse, neglect, abandonment, or exploitation of a
20 child or a vulnerable adult. The court shall determine if good
21 cause exists for public access to the records sought or a
22 portion thereof. In making this determination, the court shall
23 balance the best interest of the vulnerable adult or child who
24 is the focus of the investigation, and in the case of the
25 child, the interest of that child's siblings, together with
26 the privacy right of other persons identified in the reports
27 against the public interest. The public interest in access to
28 such records is reflected in s. 119.01(1), and includes the
29 need for citizens to know of and adequately evaluate the
30 actions of the Department of Children and Family Services and
31 the court system in providing vulnerable adults and children

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1 of this state with the protections enumerated in ss. 39.001
2 and 415.101. However, this subsection does not contravene ss.
3 39.202 and 415.107, which protect the name of any person
4 reporting the abuse, neglect, or exploitation of a child or a
5 vulnerable adult.

6 (b) In cases involving serious bodily injury to a
7 child or a vulnerable adult, the Department of Children and
8 Family Services may petition the court for an order for the
9 immediate public release of records of the department which
10 pertain to the protective investigation. The petition must be
11 personally served upon the child or vulnerable adult, the
12 child's parents or guardian, the legal guardian of that
13 person, if any, and any person named as an alleged perpetrator
14 in the report of abuse, neglect, abandonment, or exploitation.
15 The court must determine if good cause exists for the public
16 release of the records sought no later than 24 hours,
17 excluding Saturdays, Sundays, and legal holidays, after the
18 date the department filed the petition with the court. If the
19 court has neither granted nor denied the petition within the
20 24-hour time period, the department may release to the public
21 summary information including:

- 22 1. A confirmation that an investigation has been
23 conducted concerning the alleged victim.
- 24 2. The dates and brief description of procedural
25 activities undertaken during the department's investigation.
- 26 3. The date of each judicial proceeding, a summary of
27 each participant's recommendations made at the judicial
28 proceedings, and the rulings of the court.

29
30 The summary information may not include the name of, or other
31 identifying information with respect to, any person identified

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1 in any investigation. In making a determination to release
2 confidential information, the court shall balance the best
3 interests of the vulnerable adult or child who is the focus of
4 the investigation and, in the case of the child, the interests
5 of that child's siblings, together with the privacy rights of
6 other persons identified in the reports against the public
7 interest for access to public records. However, this paragraph
8 does not contravene ss. 39.202 and 415.107, which protect the
9 name of any person reporting abuse, neglect, or exploitation
10 of a child or a vulnerable adult.

11 (c) When the court determines that good cause for
12 public access exists, the court shall direct that the
13 department redact the name of and other identifying
14 information with respect to any person identified in any
15 protective investigation report until such time as the court
16 finds that there is probable cause to believe that the person
17 identified committed an act of alleged abuse, neglect, or
18 abandonment.

19 (11)~~(8)~~ The provisions of this section are not
20 intended to expand or limit the provisions of Rule 3.220,
21 Florida Rules of Criminal Procedure, regarding the right and
22 extent of discovery by the state or by a defendant in a
23 criminal prosecution or in collateral postconviction
24 proceedings. This section may not be used by any inmate as
25 the basis for failing to timely litigate any postconviction
26 action.

27 Section 8. Sections 119.08 and 119.083, Florida
28 Statutes, are repealed.

29 Section 9. Section 119.084, Florida Statutes, is
30 amended to read:

31 119.084 Definitions; copyright of data processing

1 software created by governmental agencies; sale price and
2 licensing fee; ~~access to public records; prohibited~~
3 ~~contracts.--~~

4 (1) As used in this section, the term ~~+~~

5 ~~(a)~~ "agency" has the same meaning as in s. 119.011(2),
6 except that the term does not include any private agency,
7 person, partnership, corporation, or business entity.

8 ~~(b)~~ ~~"Data processing software" means the programs and~~
9 ~~routines used to employ and control the capabilities of data~~
10 ~~processing hardware, including, but not limited to, operating~~
11 ~~systems, compilers, assemblers, utilities, library routines,~~
12 ~~maintenance routines, applications, and computer networking~~
13 ~~programs.~~

14 ~~(c)~~ ~~"Proprietary software" means data processing~~
15 ~~software that is protected by copyright or trade secret laws.~~

16 (2) Any agency is authorized to acquire and hold
17 copyrights for data processing software created by the agency
18 and to enforce its rights pertaining to such copyrights,
19 provided that the agency complies with the requirements of
20 this section.

21 (a) Any agency that has acquired a copyright for data
22 processing software created by the agency may sell or license
23 the copyrighted data processing software to any public agency
24 or private person and may establish a price for the sale and a
25 license fee for the use of such data processing software.
26 Proceeds from the sale or licensing of copyrighted data
27 processing software shall be deposited by the agency into a
28 trust fund for the agency's appropriate use for authorized
29 purposes. Counties, municipalities, and other political
30 subdivisions of the state may designate how such sale and
31 licensing proceeds are to be used. The price for the sale of

1 and the fee for the licensing of copyrighted data processing
2 software may be based on market considerations. However, the
3 prices or fees for the sale or licensing of copyrighted data
4 processing software to an individual or entity solely for
5 application to information maintained or generated by the
6 agency that created the copyrighted data processing software
7 shall be determined pursuant to s. 119.07(4)(1).

8 (b) The provisions of this subsection are supplemental
9 to, and shall not supplant or repeal, any other provision of
10 law that authorizes an agency to acquire and hold copyrights.

11 ~~(3) Subject to the restrictions of copyright and trade~~
12 ~~secret laws and public records exemptions, agency use of~~
13 ~~proprietary software must not diminish the right of the public~~
14 ~~to inspect and copy a public record.~~

15 ~~(4) An agency must consider when designing or~~
16 ~~acquiring an electronic recordkeeping system that such system~~
17 ~~is capable of providing data in some common format such as,~~
18 ~~but not limited to, the American Standard Code for Information~~
19 ~~Interchange.~~

20 ~~(5) Each agency that maintains a public record in an~~
21 ~~electronic recordkeeping system shall provide to any person,~~
22 ~~pursuant to this chapter, a copy of any public record in that~~
23 ~~system which is not exempted by law from public disclosure.~~
24 ~~An agency must provide a copy of the record in the medium~~
25 ~~requested if the agency maintains the record in that medium,~~
26 ~~and the agency may charge a fee which shall be in accordance~~
27 ~~with this chapter. For the purpose of satisfying a public~~
28 ~~records request, the fee to be charged by an agency if it~~
29 ~~elects to provide a copy of a public record in a medium not~~
30 ~~routinely used by the agency, or if it elects to compile~~
31 ~~information not routinely developed or maintained by the~~

1 ~~agency or that requires a substantial amount of manipulation~~
2 ~~or programming, must be in accordance with s. 119.07(1)(b).~~

3 ~~(6) An agency may not enter into a contract for the~~
4 ~~creation or maintenance of a public records database if that~~
5 ~~contract impairs the ability of the public to inspect or copy~~
6 ~~the public records of that agency, including public records~~
7 ~~that are on-line or stored in an electronic recordkeeping~~
8 ~~system used by the agency. Such contract may not allow any~~
9 ~~impediment that as a practical matter makes it more difficult~~
10 ~~for the public to inspect or copy the records than to inspect~~
11 ~~or copy the agency's records. The fees and costs for the~~
12 ~~production of such records may not be more than the fees or~~
13 ~~costs charged by the agency.~~

14 ~~(3)(7)~~ This section is subject to the Open Government
15 Sunset Review Act of 1995 in accordance with s. 119.15 and
16 shall stand repealed on October 2, 2006, unless reviewed and
17 saved from repeal through reenactment by the Legislature.

18 Section 10. Sections 119.085 and 119.09, Florida
19 Statutes, are repealed.

20 Section 11. Section 119.10, Florida Statutes, is
21 amended to read:

22 119.10 Violation of chapter; penalties.--

23 (1) Any public officer who violates any provision of
24 this chapter is guilty of a noncriminal infraction, punishable
25 by fine not exceeding \$500.

26 (2) Any person who willfully and knowingly violates:
27 ~~violating~~

28 (a) Any of the provisions of this chapter commits is
29 ~~guilty of~~ a misdemeanor of the first degree, punishable as
30 provided in s. 775.082 or s. 775.083.

31 (b)(3) ~~Section~~ Any person who willfully and knowingly

1 ~~violates s.~~119.105 commits a felony of the third degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084.

4 Section 12. Section 119.105, Florida Statutes, is
5 amended to read:

6 119.105 Protection of victims of crimes or
7 accidents.--Police reports are public records except as
8 otherwise made exempt or confidential ~~by general or special~~
9 ~~law~~. Every person is allowed to examine nonexempt or
10 nonconfidential police reports. No person who inspects or
11 copies police reports for the purpose of obtaining the names
12 and addresses of the victims of crimes or accidents shall use
13 any information contained therein for any commercial
14 solicitation of the victims or relatives of the victims of the
15 reported crimes or accidents. Nothing herein shall prohibit
16 the publication of such information by any news media or the
17 use of such information for any other data collection or
18 analysis purposes.

19 Section 13. Paragraph (a) of subsection (1) of section
20 120.55, Florida Statutes, is amended to read:

21 120.55 Publication.--

22 (1) The Department of State shall:

23 (a)1. Through a continuous revision system, compile
24 and publish the "Florida Administrative Code." The Florida
25 Administrative Code shall contain ~~Publish in a permanent~~
26 ~~compilation entitled "Florida Administrative Code"~~all rules
27 adopted by each agency, citing the specific rulemaking
28 authority pursuant to which each rule was adopted, all history
29 notes as authorized in s. 120.545(9), and complete indexes to
30 all rules contained in the code. Supplementation shall be made
31 as often as practicable, but at least monthly. The department

1 may contract with a publishing firm for the publication, in a
2 timely and useful form, of the Florida Administrative Code;
3 however, the department shall retain responsibility for the
4 code as provided in this section. This publication shall be
5 the official compilation of the administrative rules of this
6 state. The Department of State shall retain the copyright
7 over the Florida Administrative Code.

8 2. Rules general in form but applicable to only one
9 school district, community college district, or county, or a
10 part thereof, or university rules relating to internal
11 personnel or business and finance shall not be published in
12 the Florida Administrative Code. Exclusion from publication in
13 the Florida Administrative Code shall not affect the validity
14 or effectiveness of such rules.

15 3. At the beginning of the section of the code dealing
16 with an agency that files copies of its rules with the
17 department, the department shall publish the address and
18 telephone number of the executive offices of each agency, the
19 manner by which the agency indexes its rules, a listing of all
20 rules of that agency excluded from publication in the code,
21 and a statement as to where those rules may be inspected.

22 4. Forms shall not be published in the Florida
23 Administrative Code; but any form which an agency uses in its
24 dealings with the public, along with any accompanying
25 instructions, shall be filed with the committee before it is
26 used. Any form or instruction which meets the definition of
27 "rule" provided in s. 120.52 shall be incorporated by
28 reference into the appropriate rule. The reference shall
29 specifically state that the form is being incorporated by
30 reference and shall include the number, title, and effective
31 date of the form and an explanation of how the form may be

1 obtained.

2 Section 14. Paragraph (b) of subsection (2) of section
3 257.36, Florida Statutes, is amended to read:

4 257.36 Records and information management.--

5 (2)

6 (b) Title to any record detained in any records center
7 shall remain in the agency transferring such record to the
8 division. When the Legislature transfers any duty or
9 responsibility of an agency to another agency, the receiving
10 agency shall be the custodian of public records with regard to
11 the public records associated with that transferred duty or
12 responsibility, and shall be responsible for the records
13 storage service charges of the division. If an agency is
14 dissolved and the legislation dissolving that agency does not
15 assign an existing agency as the custodian of public records
16 for the dissolved agency's records, then the Cabinet is the
17 custodian of public records for the dissolved agency, unless
18 the Cabinet otherwise designates a custodian. The Cabinet or
19 the agency designated by the Cabinet shall be responsible for
20 the records storage service charges of the division.

21 Section 15. Subsection (5) of section 328.15, Florida
22 Statutes, is amended to read:

23 328.15 Notice of lien on vessel; recording.--

24 (5) The Department of Highway Safety and Motor
25 Vehicles shall make such rules and regulations as it deems
26 necessary or proper for the effective administration of this
27 law. The department may by rule require that a notice of
28 satisfaction of a lien be notarized. The department shall
29 prepare the forms of the notice of lien and the satisfaction
30 of lien to be supplied, at a charge not to exceed 50 percent
31 more than cost, to applicants for recording the liens or

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1 satisfactions and shall keep a ~~permanent~~ record of such
2 notices of lien and satisfactions available for inspection by
3 the public at all reasonable times. The division is authorized
4 to furnish certified copies of such satisfactions for a fee of
5 \$1, which certified copies shall be admissible in evidence in
6 all courts of this state under the same conditions and to the
7 same effect as certified copies of other public records.

8 Section 16. Subsection (4) of section 372.5717,
9 Florida Statutes, is amended to read:

10 372.5717 Hunter safety course; requirements;
11 penalty.--

12 (4) The commission shall issue a permanent hunter
13 safety certification card to each person who successfully
14 completes the hunter safety course. The commission shall
15 maintain ~~permanent~~ records of hunter safety certification
16 cards issued and shall establish procedures for replacing lost
17 or destroyed cards.

18 Section 17. Subsection (2) of section 560.121, Florida
19 Statutes, is amended to read:

20 560.121 Records; limited restrictions upon public
21 access.--

22 (2) Examination reports, investigatory records,
23 applications, and related information compiled by the
24 department, or photographic copies thereof, shall be retained
25 by the department for a period of at least 3 ~~10~~ years from the
26 date that the examination or investigation ceases to be
27 active. Application records, and related information compiled
28 by the department, or photographic copies thereof, shall be
29 retained by the department for a period of at least 2 years
30 from the date that the registration ceases to be active.

31 Section 18. Subsection (6) of section 560.123, Florida

1 Statutes, is amended to read:

2 560.123 Florida control of money laundering in the
3 Money Transmitters' Code; reports of transactions involving
4 currency or monetary instruments; when required; purpose;
5 definitions; penalties; corpus delicti.--

6 (6) The department must retain a copy of all reports
7 received under subsection (5) for a minimum of 3 5 calendar
8 years after receipt of the report. However, if a report or
9 information contained in a report is known by the department
10 to be the subject of an existing criminal proceeding, the
11 report must be retained for a minimum of 10 calendar years
12 from the date of receipt.

13 Section 19. Subsection (5) of section 560.129, Florida
14 Statutes, is amended to read:

15 560.129 Confidentiality.--

16 (5) Examination reports, investigatory records,
17 applications, and related information compiled by the
18 department, or photographic copies thereof, shall be retained
19 by the department for a period of at least 3 10 years from the
20 date that the examination or investigation ceases to be
21 active. Application records, and related information compiled
22 by the department, or photographic copies thereof, shall be
23 retained by the department for a period of at least 2 years
24 from the date that the registration ceases to be active.

25 Section 20. Subsection (3) of section 624.311, Florida
26 Statutes, is amended to read:

27 624.311 Records; reproductions; destruction.--

28 (3) The department may photograph, microphotograph, or
29 reproduce on film, or maintain in an electronic recordkeeping
30 system whereby each page will be reproduced in exact
31 conformity with the original, all financial records, financial

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1 statements of domestic insurers, reports of business
2 transacted in this state by foreign insurers and alien
3 insurers, reports of examination of domestic insurers, and
4 such other records and documents on file in its office as it
5 may in its discretion select.

6 Section 21. Subsection (1) of section 624.312, Florida
7 Statutes, is amended to read:

8 624.312 Reproductions and certified copies of records
9 as evidence.--

10 (1) Photographs or microphotographs in the form of
11 film or prints, or other reproductions from an electronic
12 recordkeeping system, of documents and records made under s.
13 624.311(3), or made under former s. 624.311(3) before October
14 1, 1982, shall have the same force and effect as the originals
15 thereof and shall be treated as originals for the purpose of
16 their admissibility in evidence. Duly certified or
17 authenticated reproductions of such photographs or
18 microphotographs or reproductions from an electronic
19 recordkeeping system shall be as admissible in evidence as the
20 originals.

21 Section 22. Subsection (2) of section 633.527, Florida
22 Statutes, is amended to read:

23 633.527 Records concerning applicant; extent of
24 confidentiality.--

25 (2) All examination test questions, answer sheets, and
26 grades shall be retained for a period of 2 5 years from the
27 date of the examination.

28 Section 23. Subsection (8) of section 655.50, Florida
29 Statutes, is amended to read:

30 655.50 Florida Control of Money Laundering in
31 Financial Institutions Act; reports of transactions involving

1 currency or monetary instruments; when required; purpose;
2 definitions; penalties.--

3 ~~(8)(a) The department shall retain a copy of all~~
4 ~~reports received under subsection (4) for a minimum of 5~~
5 ~~calendar years after receipt of the report. However, if a~~
6 ~~report or information contained in a report is known by the~~
7 ~~department to be the subject of an existing criminal~~
8 ~~proceeding, the report shall be retained for a minimum of 10~~
9 ~~calendar years after receipt of the report.~~

10 (a)~~(b)~~ Each financial institution shall maintain for a
11 minimum of 5 calendar years full and complete records of all
12 financial transactions, including all records required by 31
13 C.F.R. parts 103.33 and 103.34.

14 (b)~~(c)~~ The financial institution shall retain a copy
15 of all reports filed with the department under subsection (4)
16 for a minimum of 5 calendar years after submission of the
17 report. ~~However, if a report or information contained in a~~
18 ~~report is known by the financial institution to be the subject~~
19 ~~of an existing criminal proceeding, the report shall be~~
20 ~~retained for a minimum of 10 calendar years after submission~~
21 ~~of the report.~~

22 (c)~~(d)~~ The financial institution shall retain a copy
23 of all records of exemption for each designation of exempt
24 person made pursuant to subsection (6) for a minimum of 5
25 calendar years after termination of exempt status of such
26 customer. ~~However, if it is known by the financial institution~~
27 ~~that the customer or the transactions of the customer are the~~
28 ~~subject of an existing criminal proceeding, the records shall~~
29 ~~be retained for a minimum of 10 calendar years after~~
30 ~~termination of exempt status of such customer.~~

31 Section 24. Section 945.25, Florida Statutes, is

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1 amended to read:

2 945.25 Records.--

3 (1) It shall be the duty of the Department of
4 Corrections to obtain and place in its ~~permanent~~ records
5 information as complete as practicable ~~may be practicably~~
6 ~~available~~ on every person who be sentenced to supervision
7 or incarceration under the jurisdiction of the department
8 ~~become subject to parole~~. Such information shall be obtained
9 as soon as possible after imposition of sentence and shall, in
10 the discretion of the department, include, among other things:

11 (a) A copy of the indictment or information and a
12 complete statement of the facts of the crime for which such
13 person has been sentenced.

14 (b) The court in which the person was sentenced.

15 (c) The terms of the sentence.

16 (d) The name of the presiding judge, the prosecuting
17 officers, the investigating officers, and the attorneys for
18 the person convicted.

19 (e) A copy of all probation reports which may have
20 been made.

21 (f) Any social, physical, mental, psychiatric, or
22 criminal record of such person.

23 ~~(2) The department, in its discretion, shall also~~
24 ~~obtain and place in its permanent records such information on~~
25 ~~every person who may be placed on probation, and on every~~
26 ~~person who may become subject to pardon and commutation of~~
27 ~~sentence.~~

28 (2)~~(3)~~ It shall be the duty of the court and its
29 prosecuting officials to furnish to the department upon its
30 request such information and also to furnish such copies of
31 such minutes and other records as may be in their possession

1 or under their control.

2 ~~(3)(4)~~ Following the initial hearing provided for in
3 s. 947.172(1), the commission shall prepare and the department
4 shall include in the official record a copy of the
5 seriousness-of-offense and favorable-parole-outcome scores and
6 shall include a listing of the specific factors and
7 information used in establishing a presumptive parole release
8 date for the inmate.

9 Section 25. Paragraph (e) of subsection (4) of section
10 985.31, Florida Statutes, is amended to read:

11 985.31 Serious or habitual juvenile offender.--

12 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

13 (e) The results of any serologic blood or urine test
14 on a serious or habitual juvenile offender shall become a part
15 of that child's ~~permanent~~ medical file. Upon transfer of the
16 child to any other designated treatment facility, such file
17 shall be transferred in an envelope marked confidential. The
18 results of any test designed to identify the human
19 immunodeficiency virus, or its antigen or antibody, shall be
20 accessible only to persons designated by rule of the
21 department. The provisions of such rule shall be consistent
22 with the guidelines established by the Centers for Disease
23 Control and Prevention.

24 Section 26. Paragraph (d) of subsection (6) of section
25 212.095, Florida Statutes, is repealed.

26 Section 27. Subsection (9) of section 238.03, Florida
27 Statutes, is repealed.

28 Section 28. Section 591.34, Florida Statutes, is
29 repealed.

30 Section 29. Paragraph (a) of subsection (5) of section
31 15.09, Florida Statutes, is amended to read:

1 15.09 Fees.--

2 (5)(a) There is created within the Department of State
3 a Public Access Data Systems Trust Fund, which shall be used
4 by the department to purchase information systems and
5 equipment that provide greater public accessibility to the
6 information and records maintained by it. Notwithstanding any
7 other provision of law, the Divisions of Licensing, Elections,
8 and Corporations of the department shall transfer each fiscal
9 year to the Public Access Data Systems Trust Fund from their
10 respective trust funds:

11 1. An amount equal to 2 percent of all revenues
12 received for the processing of documents, filings, or
13 information requests.

14 2. All public access network revenues collected
15 pursuant to s. 15.16 or s. 119.01(2)(f)~~119.085~~.

16 Section 30. Paragraph (f) of subsection (1) of section
17 23.22, Florida Statutes, is amended to read:

18 23.22 Paperwork reduction; activities of
19 departments.--

20 (1) In order to reduce the amount of paperwork
21 associated with the collection of information from
22 individuals, private-sector organizations, and local
23 governments and to provide more efficient and effective
24 assistance to such individuals and organizations in completing
25 necessary paperwork required by the government, each
26 department head shall, to the extent feasible:

27 (f) Collaborate with the Division of Library and
28 Information Services, pursuant to s. 119.021(2)(d)~~119.09~~, to
29 identify and index records retention requirements placed on
30 private-sector organizations and local governments in Florida,
31 clarify and reduce the requirements, and educate the affected

1 entities through various communications media, including
2 voice, data, video, radio, and image.

3 Section 31. Subsection (2) of section 27.151, Florida
4 Statutes, is amended to read:

5 27.151 Confidentiality of specified executive orders;
6 criteria.--

7 (2) The Governor shall consider the purposes specified
8 in s. 119.15 and shall consider the provisions of s. 24, Art.
9 I of the State Constitution when making ~~The Governor shall~~
10 ~~base his or her decision to make~~ an executive order
11 ~~confidential on the criteria set forth in s. 119.14.~~

12 Section 32. Paragraph (d) of subsection (1) of section
13 101.5607, Florida Statutes, is amended to read:

14 101.5607 Department of State to maintain voting system
15 information; prepare software.--

16 (1)

17 (d) Section 119.07(6)(3)(o) applies to all software on
18 file with the Department of State.

19 Section 33. Paragraph (b) of subsection (2) of section
20 112.533, Florida Statutes, is amended to read:

21 112.533 Receipt and processing of complaints.--

22 (2)

23 (b) This subsection does not apply to any public
24 record which is exempt from public disclosure pursuant to s.
25 119.07(6)(3). For the purposes of this subsection, an
26 investigation shall be considered active as long as it is
27 continuing with a reasonable, good faith anticipation that an
28 administrative finding will be made in the foreseeable future.
29 An investigation shall be presumed to be inactive if no
30 finding is made within 45 days after the complaint is filed.

31 Section 34. Paragraph (e) of subsection (2) of section

1 231.291, Florida Statutes, is amended to read:

2 231.291 Personnel files.--Public school system
3 employee personnel files shall be maintained according to the
4 following provisions:

5 (2)

6 (e) Upon request, an employee, or any person
7 designated in writing by the employee, shall be permitted to
8 examine the personnel file of such employee. The employee
9 shall be permitted conveniently to reproduce any materials in
10 the file, at a cost no greater than the fees prescribed in s.
11 119.07(4)(~~1~~).

12 Section 35. Subsection (1) of section 257.34, Florida
13 Statutes, is amended to read:

14 257.34 Florida International Archive and Repository.--

15 (1) There is created within the Division of Library
16 and Information Services of the Department of State the
17 Florida International Archive and Repository for the
18 preservation of those public records, as defined in s.
19 119.011(11)(~~1~~), manuscripts, international judgments involving
20 disputes between domestic and foreign businesses, and all
21 other public matters that the department or the Florida
22 Council of International Development deems relevant to
23 international issues. It is the duty and responsibility of the
24 division to:

25 (a) Organize and administer the Florida International
26 Archive and Repository.

27 (b) Preserve and administer records that are
28 transferred to its custody; accept, arrange, and preserve
29 them, according to approved archival and repository practices;
30 and permit them, at reasonable times and under the supervision
31 of the division, to be inspected, examined, and copied. All

1 public records transferred to the custody of the division are
2 subject to the provisions of s. 119.07(1).

3 (c) Assist the records and information management
4 program in the determination of retention values for records.

5 (d) Cooperate with and assist, insofar as practicable,
6 state institutions, departments, agencies, counties,
7 municipalities, and individuals engaged in internationally
8 related activities.

9 (e) Provide a public research room where, under rules
10 established by the division, the materials in the
11 international archive and repository may be studied.

12 (f) Conduct, promote, and encourage research in
13 international trade, government, and culture and maintain a
14 program of information, assistance, coordination, and guidance
15 for public officials, educational institutions, libraries, the
16 scholarly community, and the general public engaged in such
17 research.

18 (g) Cooperate with and, insofar as practicable, assist
19 agencies, libraries, institutions, and individuals in projects
20 concerned with internationally related issues and preserve
21 original materials relating to internationally related issues.

22 (h) Assist and cooperate with the records and
23 information management program in the training and information
24 program described in s. 257.36(1)(g).

25 Section 36. Subsection (1) of section 257.35, Florida
26 Statutes, is amended to read:

27 257.35 Florida State Archives.--

28 (1) There is created within the Division of Library
29 and Information Services of the Department of State the
30 Florida State Archives for the preservation of those public
31 records, as defined in s. 119.011(11)~~(1)~~, manuscripts, and

1 other archival material that have been determined by the
2 division to have sufficient historical or other value to
3 warrant their continued preservation and have been accepted by
4 the division for deposit in its custody. It is the duty and
5 responsibility of the division to:

6 (a) Organize and administer the Florida State
7 Archives.

8 (b) Preserve and administer such records as shall be
9 transferred to its custody; accept, arrange, and preserve
10 them, according to approved archival practices; and permit
11 them, at reasonable times and under the supervision of the
12 division, to be inspected, examined, and copied. All public
13 records transferred to the custody of the division shall be
14 subject to the provisions of s. 119.07(1), except that any
15 public record or other record provided by law to be
16 confidential or prohibited from inspection by the public shall
17 be made accessible only after a period of 50 years from the
18 date of the creation of the record. Any nonpublic manuscript
19 or other archival material which is placed in the keeping of
20 the division under special terms and conditions, shall be made
21 accessible only in accordance with such law terms and
22 conditions and shall be exempt from the provisions of s.
23 119.07(1) to the extent necessary to meet the terms and
24 conditions for a nonpublic manuscript or other archival
25 material.

26 (c) Assist the records and information management
27 program in the determination of retention values for records.

28 (d) Cooperate with and assist insofar as practicable
29 state institutions, departments, agencies, counties,
30 municipalities, and individuals engaged in activities in the
31 field of state archives, manuscripts, and history and accept

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1 from any person any paper, book, record, or similar material
2 which in the judgment of the division warrants preservation in
3 the state archives.

4 (e) Provide a public research room where, under rules
5 established by the division, the materials in the state
6 archives may be studied.

7 (f) Conduct, promote, and encourage research in
8 Florida history, government, and culture and maintain a
9 program of information, assistance, coordination, and guidance
10 for public officials, educational institutions, libraries, the
11 scholarly community, and the general public engaged in such
12 research.

13 (g) Cooperate with and, insofar as practicable, assist
14 agencies, libraries, institutions, and individuals in projects
15 designed to preserve original source materials relating to
16 Florida history, government, and culture and prepare and
17 publish handbooks, guides, indexes, and other literature
18 directed toward encouraging the preservation and use of the
19 state's documentary resources.

20 (h) Encourage and initiate efforts to preserve,
21 collect, process, transcribe, index, and research the oral
22 history of Florida government.

23 (i) Assist and cooperate with the records and
24 information management program in the training and information
25 program described in s. 257.36(1)(g).

26 Section 37. Section 282.21, Florida Statutes, is
27 amended to read:

28 282.21 The State Technology Office's electronic access
29 services.--The State Technology Office may collect fees for
30 providing remote electronic access pursuant to s. 119.01(2)(f)
31 ~~119.085~~. The fees may be imposed on individual transactions or

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1 as a fixed subscription for a designated period of time. All
2 fees collected under this section shall be deposited in the
3 appropriate trust fund of the program or activity that made
4 the remote electronic access available.

5 Section 38. Paragraph (h) of subsection (2) of section
6 287.0943, Florida Statutes, is amended to read:

7 287.0943 Certification of minority business
8 enterprises.--

9 (2)

10 (h) The certification procedures should allow an
11 applicant seeking certification to designate on the
12 application form the information the applicant considers to be
13 proprietary, confidential business information. As used in
14 this paragraph, "proprietary, confidential business
15 information" includes, but is not limited to, any information
16 that would be exempt from public inspection pursuant to the
17 provisions of s. 119.07(6)(~~3~~); trade secrets; internal
18 auditing controls and reports; contract costs; or other
19 information the disclosure of which would injure the affected
20 party in the marketplace or otherwise violate s. 286.041. The
21 executor in receipt of the application shall issue written and
22 final notice of any information for which noninspection is
23 requested but not provided for by law.

24 Section 39. Subsection (1) of section 320.05, Florida
25 Statutes, is amended to read:

26 320.05 Records of the department; inspection
27 procedure; lists and searches; fees.--

28 (1) Except as provided in s. 119.07(6)(~~3~~), the
29 department may release records as provided in this section.

30 Section 40. Subsection (8) of section 322.20, Florida
31 Statutes, is amended to read:

1 322.20 Records of the department; fees; destruction of
2 records.--

3 (8) Except as provided in s. 119.07(6)(3), the
4 department may release records as provided in this section.

5 Section 41. Paragraph (b) of subsection (2) of section
6 338.223, Florida Statutes, is amended to read:

7 338.223 Proposed turnpike projects.--

8 (2)

9 (b) In accordance with the legislative intent
10 expressed in s. 337.273, and after the requirements of
11 paragraph (1)(c) have been met, the department may acquire
12 lands and property before making a final determination of the
13 economic feasibility of a project. The requirements of
14 paragraph (1)(c) do not apply to hardship and protective
15 purchases of advance right-of-way by the department. The cost
16 of advance acquisition of right-of-way may be paid from bonds
17 issued under s. 337.276 or from turnpike revenues. For
18 purposes of this paragraph, the term "hardship purchase" means
19 purchase from a property owner of a residential dwelling of
20 not more than four units who is at a disadvantage due to
21 health impairment, job loss, or significant loss of rental
22 income. For purposes of this paragraph, the term "protective
23 purchase" means that a purchase to limit development,
24 building, or other intensification of land uses within the
25 area right-of-way is needed for transportation facilities. The
26 department shall give written notice to the Department of
27 Environmental Protection 30 days before final agency
28 acceptance as set forth in s. 119.07(6)(3)(n), which notice
29 shall allow the Department of Environmental Protection to
30 comment. Hardship and protective purchases of right-of-way
31 shall not influence the environmental feasibility of a

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1 project, including the decision relative to the need to
2 construct the project or the selection of a specific location.
3 Costs to acquire and dispose of property acquired as hardship
4 and protective purchases are considered costs of doing
5 business for the department and are not to be considered in
6 the determination of environmental feasibility for the
7 project.

8 Section 42. Paragraph (a) of subsection (1) of section
9 378.406, Florida Statutes, is amended to read:

10 378.406 Confidentiality of records; availability of
11 information.--

12 (1)(a) Any information relating to prospecting, rock
13 grades, or secret processes or methods of operation which may
14 be required, ascertained, or discovered by inspection or
15 investigation shall be exempt from the provisions of s.
16 119.07(1), shall not be disclosed in public hearings, and
17 shall be kept confidential by any member, officer, or employee
18 of the department, if the applicant requests the department to
19 keep such information confidential and informs the department
20 of the basis for such confidentiality. Should the secretary
21 determine that such information requested to be kept
22 confidential shall not be kept confidential, the secretary
23 shall provide the operator with not less than 30 days' notice
24 of his or her intent to release the information. When making
25 his or her determination, the secretary shall consider the
26 public purposes specified in s. 119.15(4)(b)~~119.14(4)(b)~~.

27 Section 43. Paragraph (c) of subsection (5) of section
28 399.02, Florida Statutes, is amended to read:

29 399.02 General requirements.--

30 (5)

31 (c) The elevator owner shall report to the department

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1 60 days before the expiration of the certificate of operation
 2 whether there exists a service maintenance contract, with whom
 3 the contract exists, and the details concerning the provisions
 4 and implementation of the contract which the department
 5 requires. ~~The department shall keep the names of companies~~
 6 ~~with whom the contract exists confidential pursuant to the~~
 7 ~~public records exemption provided in s. 119.14(4)(b)3.~~ This
 8 annual contract report must be made on forms supplied by the
 9 department. The elevator owner must report any material
 10 change in the service maintenance contract no fewer than 30
 11 days before the effective date of the change. The department
 12 shall determine whether the provisions of the service
 13 maintenance contract and its implementation ensure the safe
 14 operation of the elevator.

15 Section 44. Paragraph (c) of subsection (1) of section
 16 400.0077, Florida Statutes, is amended to read:

17 400.0077 Confidentiality.--

18 (1) The following are confidential and exempt from the
 19 provisions of s. 119.07(1):

20 (c) Any other information about a complaint, including
 21 any problem identified by an ombudsman council as a result of
 22 an investigation, unless an ombudsman council determines that
 23 the information does not meet any of the criteria specified in
 24 s. 119.15(4)(b)~~119.14(4)(b)~~; or unless the information is to
 25 collect data for submission to those entities specified in s.
 26 712(c) of the federal Older Americans Act for the purpose of
 27 identifying and resolving significant problems.

28 Section 45. Subsection (5) of section 401.27, Florida
 29 Statutes, is amended to read:

30 401.27 Personnel; standards and certification.--

31 (5) The certification examination must be offered

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1 monthly. The department shall issue an examination admission
2 notice to the applicant advising him or her of the time and
3 place of the examination for which he or she is scheduled.
4 Individuals achieving a passing score on the certification
5 examination may be issued a temporary certificate with their
6 examination grade report. The department must issue an
7 original certification within 45 days after the examination.
8 Examination questions and answers are not subject to discovery
9 but may be introduced into evidence and considered only in
10 camera in any administrative proceeding under chapter 120. If
11 an administrative hearing is held, the department shall
12 provide challenged examination questions and answers to the
13 administrative law judge. The department shall establish by
14 rule the procedure by which an applicant, and the applicant's
15 attorney, may review examination questions and answers in
16 accordance with s. 119.07(6)(3)(a).

17 Section 46. Subsection (1) of section 403.111, Florida
18 Statutes, is amended to read:

19 403.111 Confidential records.--

20 (1) Any information, other than effluent data and
21 those records described in 42 U.S.C. s. 7661a(b)(8), relating
22 to secret processes or secret methods of manufacture or
23 production, or relating to costs of production, profits, or
24 other financial information which is otherwise not public
25 record, which may be required, ascertained, or discovered by
26 inspection or investigation shall be exempt from the
27 provisions of s. 119.07(1), shall not be disclosed in public
28 hearings, and shall be kept confidential by any member,
29 officer, or employee of the department, upon a showing
30 satisfactory to the department that the information should be
31 kept confidential. The person from whom the information is

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1 obtained must request that the department keep such
2 information confidential and must inform the department of the
3 basis for the claim of confidentiality. The department shall,
4 subject to notice and opportunity for hearing, determine
5 whether the information requested to be kept confidential
6 should or should not be kept confidential. The department
7 shall determine whether the information submitted should be
8 kept confidential pursuant to the public purpose test as
9 stated in s. 119.15(4)(b)3.~~119.14(4)(b)3.~~

10 Section 47. Section 409.2577, Florida Statutes, is
11 amended to read:

12 409.2577 Parent locator service.--The department shall
13 establish a parent locator service to assist in locating
14 parents who have deserted their children and other persons
15 liable for support of dependent children. The department
16 shall use all sources of information available, including the
17 Federal Parent Locator Service, and may request and shall
18 receive information from the records of any person or the
19 state or any of its political subdivisions or any officer
20 thereof. Any agency as defined in s. 120.52, any political
21 subdivision, and any other person shall, upon request, provide
22 the department any information relating to location, salary,
23 insurance, social security, income tax, and employment history
24 necessary to locate parents who owe or potentially owe a duty
25 of support pursuant to Title IV-D of the Social Security Act.
26 This provision shall expressly take precedence over any other
27 statutory nondisclosure provision which limits the ability of
28 an agency to disclose such information, except that law
29 enforcement information as provided in s. 119.07(6)~~(3)~~(i) is
30 not required to be disclosed, and except that confidential
31 taxpayer information possessed by the Department of Revenue

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1 shall be disclosed only to the extent authorized in s.
2 213.053(15). Nothing in this section requires the disclosure
3 of information if such disclosure is prohibited by federal
4 law. Information gathered or used by the parent locator
5 service is confidential and exempt from the provisions of s.
6 119.07(1). Additionally, the department is authorized to
7 collect any additional information directly bearing on the
8 identity and whereabouts of a person owing or asserted to be
9 owing an obligation of support for a dependent child. The
10 department shall, upon request, make information available
11 only to public officials and agencies of this state; political
12 subdivisions of this state, including any agency thereof
13 providing child support enforcement services to non-Title IV-D
14 clients; the custodial parent, legal guardian, attorney, or
15 agent of the child; and other states seeking to locate parents
16 who have deserted their children and other persons liable for
17 support of dependents, for the sole purpose of establishing,
18 modifying, or enforcing their liability for support, and shall
19 make such information available to the Department of Children
20 and Family Services for the purpose of diligent search
21 activities pursuant to chapter 39. If the department has
22 reasonable evidence of domestic violence or child abuse and
23 the disclosure of information could be harmful to the
24 custodial parent or the child of such parent, the child
25 support program director or designee shall notify the
26 Department of Children and Family Services and the Secretary
27 of the United States Department of Health and Human Services
28 of this evidence. Such evidence is sufficient grounds for the
29 department to disapprove an application for location services.

30 Section 48. Subsection (6) of section 455.219, Florida
31 Statutes, is amended to read:

1 455.219 Fees; receipts; disposition; periodic
2 management reports.--

3 (6) The department or the appropriate board shall
4 charge a fee not to exceed \$25 for the certification of a
5 public record. The fee shall be determined by rule of the
6 department. The department or the appropriate board shall
7 assess a fee for duplication of a public record as provided in
8 s. 119.07(4)(1)(a) and (b).

9 Section 49. Subsection (11) of section 456.025,
10 Florida Statutes, is amended to read:

11 456.025 Fees; receipts; disposition.--

12 (11) The department or the appropriate board shall
13 charge a fee not to exceed \$25 for the certification of a
14 public record. The fee shall be determined by rule of the
15 department. The department or the appropriate board shall
16 assess a fee for duplicating a public record as provided in s.
17 119.07(4)(1)(a) and (b).

18 Section 50. Paragraph (1) of subsection (3) of section
19 627.311, Florida Statutes, is amended to read:

20 627.311 Joint underwriters and joint reinsurers.--

21 (3) The department may, after consultation with
22 insurers licensed to write automobile insurance in this state,
23 approve a joint underwriting plan for purposes of equitable
24 apportionment or sharing among insurers of automobile
25 liability insurance and other motor vehicle insurance, as an
26 alternate to the plan required in s. 627.351(1). All insurers
27 authorized to write automobile insurance in this state shall
28 subscribe to the plan and participate therein. The plan shall
29 be subject to continuous review by the department which may at
30 any time disapprove the entire plan or any part thereof if it
31 determines that conditions have changed since prior approval

1 and that in view of the purposes of the plan changes are
2 warranted. Any disapproval by the department shall be subject
3 to the provisions of chapter 120. If adopted, the plan and
4 the association created under the plan:

5 (1)1. Shall be subject to the public records
6 requirements of chapter 119 and the public meeting
7 requirements of s. 286.011. However, the following records of
8 the Florida Automobile Joint Underwriting Association are
9 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
10 of the State Constitution:

11 a. Underwriting files, except that a policyholder or
12 an applicant shall have access to his or her own underwriting
13 files.

14 b. Claims files, until termination of all litigation
15 and settlement of all claims arising out of the same incident,
16 although portions of the claims files may remain exempt, as
17 otherwise provided by law. Confidential and exempt claims file
18 records may be released to other governmental agencies upon
19 written request and demonstration of need; such records held
20 by the receiving agency remain confidential and exempt as
21 provided by this paragraph.

22 c. Records obtained or generated by an internal
23 auditor pursuant to a routine audit, until the audit is
24 completed or, if the audit is conducted as part of an
25 investigation, until the investigation is closed or ceases to
26 be active. An investigation is considered "active" while the
27 investigation is being conducted with a reasonable, good faith
28 belief that it could lead to the filing of administrative,
29 civil, or criminal proceedings.

30 d. Matters reasonably encompassed in privileged
31 attorney-client communications.

1 e. Proprietary information licensed to the association
2 under contract when the contract provides for the
3 confidentiality of such proprietary information.

4 f. All information relating to the medical condition
5 or medical status of an association employee which is not
6 relevant to the employee's capacity to perform his or her
7 duties, except as otherwise provided in this paragraph.
8 Information which is exempt shall include, but is not limited
9 to, information relating to workers' compensation, insurance
10 benefits, and retirement or disability benefits.

11 g. All records relative to an employee's participation
12 in an employee assistance program designed to assist any
13 employee who has a behavioral or medical disorder, substance
14 abuse problem, or emotional difficulty which affects the
15 employee's job performance, except as otherwise provided in s.
16 112.0455(11).

17 h. Information relating to negotiations for financing,
18 reinsurance, depopulation, or contractual services, until the
19 conclusion of the negotiations.

20 i. Minutes of closed meetings regarding underwriting
21 files, and minutes of closed meetings regarding an open claims
22 file until termination of all litigation and settlement of all
23 claims with regard to that claim, except that information
24 otherwise confidential or exempt by law must be redacted.

25
26 When an authorized insurer is considering underwriting a risk
27 insured by the association, relevant underwriting files and
28 confidential claims files may be released to the insurer
29 provided the insurer agrees in writing, notarized and under
30 oath, to maintain the confidentiality of such files. When a
31 file is transferred to an insurer, that file is no longer a

1 public record because it is not held by an agency subject to
2 the provisions of the public records law. The association may
3 make the following information obtained from underwriting
4 files and confidential claims files available to licensed
5 general lines insurance agents: name, address, and telephone
6 number of the automobile owner or insured; location of the
7 risk; rating information; loss history; and policy type. The
8 receiving licensed general lines insurance agent must retain
9 the confidentiality of the information received.

10 2. Portions of meetings of the Florida Automobile
11 Joint Underwriting Association during which confidential
12 underwriting files or confidential open claims files are
13 discussed are exempt from the provisions of s. 286.011 and s.
14 24(b), Art. I of the State Constitution. All portions of
15 association meetings which are closed to the public shall be
16 recorded by a court reporter. The court reporter shall record
17 the times of commencement and termination of the meeting, all
18 discussion and proceedings, the names of all persons present
19 at any time, and the names of all persons speaking. No
20 portion of any closed meeting shall be off the record.
21 Subject to the provisions of this paragraph and s.
22 119.07(1)(b)-(d)(2)(a), the court reporter's notes of any
23 closed meeting shall be retained by the association for a
24 minimum of 5 years. A copy of the transcript, less any exempt
25 matters, of any closed meeting during which claims are
26 discussed shall become public as to individual claims after
27 settlement of the claim.

28
29 This paragraph is subject to the Open Government Sunset Review
30 Act of 1995 in accordance with s. 119.15, and shall stand
31 repealed on October 2, 2003, unless reviewed and saved from

1 repeal through reenactment by the Legislature.

2 Section 51. Paragraph (n) of subsection (6) of section

3 627.351, Florida Statutes, is amended to read:

4 627.351 Insurance risk apportionment plans.--

5 (6) RESIDENTIAL PROPERTY AND CASUALTY JOINT

6 UNDERWRITING ASSOCIATION.--

7 (n)1. The following records of the Residential

8 Property and Casualty Joint Underwriting Association are

9 confidential and exempt from the provisions of s. 119.07(1)

10 and s. 24(a), Art. I of the State Constitution:

11 a. Underwriting files, except that a policyholder or

12 an applicant shall have access to his or her own underwriting

13 files.

14 b. Claims files, until termination of all litigation

15 and settlement of all claims arising out of the same incident,

16 although portions of the claims files may remain exempt, as

17 otherwise provided by law. Confidential and exempt claims file

18 records may be released to other governmental agencies upon

19 written request and demonstration of need; such records held

20 by the receiving agency remain confidential and exempt as

21 provided for herein.

22 c. Records obtained or generated by an internal

23 auditor pursuant to a routine audit, until the audit is

24 completed, or if the audit is conducted as part of an

25 investigation, until the investigation is closed or ceases to

26 be active. An investigation is considered "active" while the

27 investigation is being conducted with a reasonable, good faith

28 belief that it could lead to the filing of administrative,

29 civil, or criminal proceedings.

30 d. Matters reasonably encompassed in privileged

31 attorney-client communications.

1 e. Proprietary information licensed to the association
2 under contract and the contract provides for the
3 confidentiality of such proprietary information.

4 f. All information relating to the medical condition
5 or medical status of an association employee which is not
6 relevant to the employee's capacity to perform his or her
7 duties, except as otherwise provided in this paragraph.
8 Information which is exempt shall include, but is not limited
9 to, information relating to workers' compensation, insurance
10 benefits, and retirement or disability benefits.

11 g. Upon an employee's entrance into the employee
12 assistance program, a program to assist any employee who has a
13 behavioral or medical disorder, substance abuse problem, or
14 emotional difficulty which affects the employee's job
15 performance, all records relative to that participation shall
16 be confidential and exempt from the provisions of s. 119.07(1)
17 and s. 24(a), Art. I of the State Constitution, except as
18 otherwise provided in s. 112.0455(11).

19 h. Information relating to negotiations for financing,
20 reinsurance, depopulation, or contractual services, until the
21 conclusion of the negotiations.

22 i. Minutes of closed meetings regarding underwriting
23 files, and minutes of closed meetings regarding an open claims
24 file until termination of all litigation and settlement of all
25 claims with regard to that claim, except that information
26 otherwise confidential or exempt by law will be redacted.

27
28 When an authorized insurer is considering underwriting a risk
29 insured by the association, relevant underwriting files and
30 confidential claims files may be released to the insurer
31 provided the insurer agrees in writing, notarized and under

1 oath, to maintain the confidentiality of such files. When a
2 file is transferred to an insurer that file is no longer a
3 public record because it is not held by an agency subject to
4 the provisions of the public records law. Underwriting files
5 and confidential claims files may also be released to staff of
6 and the board of governors of the market assistance plan
7 established pursuant to s. 627.3515, who must retain the
8 confidentiality of such files, except such files may be
9 released to authorized insurers that are considering assuming
10 the risks to which the files apply, provided the insurer
11 agrees in writing, notarized and under oath, to maintain the
12 confidentiality of such files. Finally, the association or
13 the board or staff of the market assistance plan may make the
14 following information obtained from underwriting files and
15 confidential claims files available to licensed general lines
16 insurance agents: name, address, and telephone number of the
17 residential property owner or insured; location of the risk;
18 rating information; loss history; and policy type. The
19 receiving licensed general lines insurance agent must retain
20 the confidentiality of the information received.

21 2. Portions of meetings of the Residential Property
22 and Casualty Joint Underwriting Association are exempt from
23 the provisions of s. 286.011 and s. 24(b), Art. I of the State
24 Constitution wherein confidential underwriting files or
25 confidential open claims files are discussed. All portions of
26 association meetings which are closed to the public shall be
27 recorded by a court reporter. The court reporter shall record
28 the times of commencement and termination of the meeting, all
29 discussion and proceedings, the names of all persons present
30 at any time, and the names of all persons speaking. No
31 portion of any closed meeting shall be off the record.

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1 Subject to the provisions hereof and s.
2 119.07(1)(b)-(d)~~(2)(a)~~, the court reporter's notes of any
3 closed meeting shall be retained by the association for a
4 minimum of 5 years. A copy of the transcript, less any exempt
5 matters, of any closed meeting wherein claims are discussed
6 shall become public as to individual claims after settlement
7 of the claim.

8 Section 52. Subsection (1) of section 633.527, Florida
9 Statutes, is amended to read:

10 633.527 Records concerning applicant; extent of
11 confidentiality.--

12 (1) Test material is made confidential by s.
13 119.07(6)~~(3)~~(a). An applicant may waive in writing the
14 confidentiality of his or her examination answer sheet for the
15 purpose of discussion with the State Fire Marshal or his or
16 her staff.

17 Section 53. Section 655.0321, Florida Statutes, is
18 amended to read:

19 655.0321 Restricted access to certain hearings,
20 proceedings, and related documents.--The department shall
21 consider the public purposes specified in s. 119.15(4)(b)
22 ~~119.14(4)(b)~~ and the provisions of s. 24, Art. I of the State
23 Constitution in determining whether the hearings and
24 proceedings conducted pursuant to s. 655.033 for the issuance
25 of cease and desist orders and s. 655.037 for the issuance of
26 suspension or removal orders shall be closed and exempt from
27 the provisions of s. 286.011, and whether related documents
28 shall be confidential and exempt from the provisions of s.
29 119.07(1).

30 Section 54. Paragraph (m) of subsection (2) of section
31 668.50, Florida Statutes, is amended to read:

1 668.50 Uniform Electronic Transaction Act.--

2 (2) DEFINITIONS.--As used in this section:

3 (m) "Record" means information that is inscribed on a
4 tangible medium or that is stored in an electronic or other
5 medium and is retrievable in perceivable form, including
6 public records as defined in s. 119.011~~(11)~~~~(1)~~.

7 Section 55. Subsection (1) of section 794.024, Florida
8 Statutes, is amended to read:

9 794.024 Unlawful to disclose identifying
10 information.--

11 (1) A public employee or officer who has access to the
12 photograph, name, or address of a person who is alleged to be
13 the victim of an offense described in this chapter, chapter
14 800, s. 827.03, s. 827.04, or s. 827.071 may not willfully and
15 knowingly disclose it to a person who is not assisting in the
16 investigation or prosecution of the alleged offense or to any
17 person other than the defendant, the defendant's attorney, or
18 a person specified in an order entered by the court having
19 jurisdiction of the alleged offense, or to organizations
20 authorized to receive such information pursuant to s.
21 119.07~~(6)~~~~(3)~~(f).

22 Section 56. For the purpose of incorporating the
23 amendments to section 945.25, Florida Statutes, in a reference
24 thereto, paragraph (a) of subsection (2) of section 947.13,
25 Florida Statutes, is reenacted to read:

26 947.13 Powers and duties of commission.--

27 (2)(a) The commission shall immediately examine
28 records of the department under s. 945.25, and any other
29 records which it obtains, and may make such other
30 investigations as may be necessary.

31 Section 57. The Records Management Center of the

1 Department of State in Tallahassee, Florida, is designated as
2 the "James C. 'Jim' Smith Records Management Center."

3 Section 58. Subsection (6) of section 15.16, Florida
4 Statutes, is repealed.

5 Section 59. This act shall take effect July 1, 2002.

6
7

8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 remove: the entire title

11

12 and insert:

13

A bill to be entitled

14

An act relating to public records; amending s.

15

18.20, F.S.; removing photographic film

16

reproductions of specified vouchers or checks

17

paid by the State Treasurer and preserved as

18

records of the office of the Treasurer from

19

classification as permanent records; amending

20

s. 119.01, F.S.; establishing state policy with

21

respect to public records; requiring

22

governmental agencies to consider certain

23

factors in designing or acquiring electronic

24

recordkeeping systems; providing certain

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restrictions with respect to electronic

26

recordkeeping systems and proprietary software;

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requiring governmental agencies to provide

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copies of public records stored in electronic

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recordkeeping systems; authorizing agencies to

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charge a fee for such copies; specifying

31

circumstances under which the financial,

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1 business, and membership records of an
2 organization are public records; amending s.
3 119.011, F.S.; providing definitions; repealing
4 ss. 119.0115, 119.012, and 119.02, F.S.,
5 relating to specified exemption for certain
6 videotapes and video signals, records made
7 public by the use of public funds, and
8 penalties for violation of public records
9 requirements by a public officer; amending s.
10 119.021, F.S.; providing requirements for
11 governmental agencies in maintaining and
12 preserving public records; requiring the
13 Division of Library and Information Services of
14 the Department of State to adopt rules for
15 retaining and disposing of public records;
16 authorizing the division to provide for
17 archiving certain noncurrent records; providing
18 for the destruction of certain records and the
19 continued maintenance of certain records;
20 providing for the disposition of records at the
21 end of an official's term of office; requiring
22 that a custodian of public records demand
23 delivery of records held unlawfully; repealing
24 ss. 119.031, 119.041, 119.05, and 119.06, F.S.,
25 relating to the retention and disposal of
26 public records and the delivery of records held
27 unlawfully; amending s. 119.07, F.S.; revising
28 provisions governing the inspection and copying
29 of public records; establishing fees for
30 copying; providing requirements for making
31 photographs; authorizing additional means of

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1 copying; repealing ss. 119.08 and 119.083,
2 F.S., relating to requirements for making
3 photographs of public records and the licensing
4 and sale of copyrighted data processing
5 software by an agency; amending s. 119.084,
6 F.S.; deleting certain provisions governing the
7 maintenance of public records in an electronic
8 recordkeeping system; repealing ss. 119.085 and
9 119.09, F.S., relating to remote electronic
10 access to public records and the program for
11 records and information management of the
12 Department of State; amending s. 119.10, F.S.;
13 clarifying provisions with respect to penalties
14 for violations of ch. 119, F.S.; amending s.
15 119.105, F.S.; clarifying provisions under
16 which certain police reports may be exempt from
17 the public records law; amending s. 120.55,
18 F.S.; revising language with respect to
19 publication of the Florida Administrative Code
20 to provide that the Department of State is
21 required to compile and publish the code
22 through a continuous revision system; amending
23 s. 257.36, F.S.; providing procedure with
24 respect to official custody of records upon
25 transfer of duties or responsibilities between
26 state agencies or dissolution of a state
27 agency; amending s. 328.15, F.S.; revising the
28 classification of records of notices and
29 satisfaction of liens on vessels maintained by
30 the Department of Highway Safety and Motor
31 Vehicles; amending s. 372.5717, F.S.; revising

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1 the classification of records of hunter safety
2 certification cards maintained by the Fish and
3 Wildlife Conservation Commission; amending s.
4 560.121, F.S.; decreasing and qualifying the
5 period of retention for examination reports,
6 investigatory records, applications,
7 application records, and related information
8 compiled by the Department of Banking and
9 Finance under the Money Transmitters' Code;
10 amending s. 560.123, F.S.; decreasing the
11 period of retention for specified reports filed
12 by money transmitters with the Department of
13 Banking and Finance under the Money
14 Transmitters' Code; amending s. 560.129, F.S.;
15 decreasing and qualifying the period of
16 retention for examination reports,
17 investigatory records, applications,
18 application records, and related information
19 compiled by the Department of Banking and
20 Finance under the Money Transmitters' Code;
21 amending s. 624.311, F.S.; authorizing the
22 Department of Insurance to maintain an
23 electronic recordkeeping system for specified
24 records, statements, reports, and documents;
25 eliminating a standard for the reproduction of
26 such records, statements, reports, and
27 documents; amending s. 624.312, F.S.; providing
28 that reproductions from an electronic
29 recordkeeping system of specified documents and
30 records of the Department of Insurance shall be
31 treated as originals for the purpose of their

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1 admissibility in evidence; amending s. 633.527,
2 F.S.; decreasing the period of retention for
3 specified examination test questions, answer
4 sheets, and grades in the possession of the
5 Division of State Fire Marshal of the
6 Department of Insurance; amending s. 655.50,
7 F.S.; revising requirements of the Department
8 of Banking and Finance with respect to
9 retention of copies of specified reports and
10 records of exemption submitted or filed by
11 financial institutions under the Florida
12 Control of Money Laundering in Financial
13 Institutions Act; amending s. 945.25, F.S.;
14 requiring the Department of Corrections to
15 obtain and place in its records specified
16 information on every person who may be
17 sentenced to supervision or incarceration under
18 the jurisdiction of the department; eliminating
19 a requirement of the department, in its
20 discretion, to obtain and place in its
21 permanent records specified information on
22 persons placed on probation and on persons who
23 may become subject to pardon and commutation of
24 sentence; amending s. 985.31, F.S.; revising
25 the classification of specified medical files
26 of serious or habitual juvenile offenders;
27 repealing s. 212.095(6)(d), F.S., which
28 requires the Department of Revenue to keep a
29 permanent record of the amounts of refunds
30 claimed and paid under ch. 212, F.S., and which
31 requires that such records shall be open to

1 public inspection; repealing s. 238.03(9),
2 F.S., relating to the authority of the
3 Department of Management Services to photograph
4 and reduce to microfilm as a permanent record
5 its ledger sheets showing the salaries and
6 contributions of members of the Teachers'
7 Retirement System of Florida, the records of
8 deceased members of the system, and the
9 authority to destroy the documents from which
10 such films derive; repealing s. 591.34, F.S.;
11 eliminating a procedure by which permission may
12 be obtained from the Department of Agriculture
13 and Consumer Services to cut seed trees;
14 amending s. 27.151, F.S.; expanding
15 considerations of the Governor in making an
16 executive order confidential; correcting a
17 cross reference; amending s. 399.02, F.S.;
18 eliminating a confidentiality requirement of
19 the Department of Business and Professional
20 Regulation with respect to the names of
21 companies under contract to provide elevator
22 service maintenance; amending s. 655.0321,
23 F.S.; expanding considerations of the
24 Department of Banking and Finance in
25 determining whether specified hearings and
26 proceedings and documents related thereto shall
27 be exempt from public records and meetings
28 requirements; correcting a cross reference;
29 amending ss. 15.09, 23.22, 101.5607, 112.533,
30 231.291, 257.34, 257.35, 282.21, 287.0943,
31 320.05, 322.20, 338.223, 378.406, 400.0077,

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1 401.27, 403.111, 409.2577, 455.219, 456.025,
2 627.311, 627.351, 633.527, 668.50, and 794.024,
3 F.S.; conforming cross references; reenacting
4 s. 947.13(2)(a), F.S., relating to the duty of
5 the Parole Commission to examine specified
6 records, to incorporate the amendment to s.
7 945.25, F.S., in a reference thereto;
8 designating the Records Management Center of
9 the Department of State as the "James C. 'Jim'
10 Smith Records Center"; repealing s. 15.16(6),
11 F.S., which authorizes the Department of State
12 to waive the requirement that a person
13 advertise the intention to register a
14 fictitious name if the department indexes the
15 fictitious name registration in a central
16 database available to the public on the
17 Internet; providing an effective date.

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