

Amendment No. \_\_\_\_ (for drafter's use only)

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

ORIGINAL STAMP BELOW

The Committee on State Administration 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

Amendment No. \_\_\_\_ (for drafter's use only)

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 method~~  
22 ~~of access that agencies should strive to provide to the extent~~  
23 ~~feasible. If an agency provides access to public records by~~  
24 ~~remote electronic means, then such access should be provided~~  
25 ~~in the most cost-effective and efficient manner available to~~  
26 ~~the agency providing the information.~~

27 (3)(a) ~~The Legislature finds that providing access to~~  
28 ~~public records is a duty of each agency and that Automation of~~  
29 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

Amendment No. \_\_\_\_ (for drafter's use only)

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  
16 trade-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,

Amendment No. \_\_\_\_ (for drafter's use only)

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 (4) 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~~

Amendment No. \_\_\_\_ (for drafter's use only)

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)(f)~~119.07(3)(f)~~.

Amendment No. \_\_\_\_ (for drafter's use only)

- 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)(f)~~119.07(3)(f)~~, and, except that the court in a  
7 criminal case may order that certain information required by  
8 law or agency rule to be given to the person arrested be  
9 maintained in a confidential manner and exempt from the  
10 provisions of s. 119.07(1) until released at trial if it is  
11 found that the 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.
- 31

Amendment No. \_\_\_\_ (for drafter's use only)

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  
29 data-processing hardware, including, but not limited to,  
30 operating systems, compilers, assemblers, utilities, library  
31 routines, maintenance routines, applications, and

Amendment No. \_\_\_\_ (for drafter's use only)

1 computer-networking 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. 282.303(12).

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,



Amendment No. \_\_\_\_ (for drafter's use only)

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 on 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.

Amendment No. \_\_\_\_ (for drafter's use only)

1           (3)(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           (4) 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

Amendment No. \_\_\_\_ (for drafter's use only)

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 (5)(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, is  
22 amended to read:

23 119.07 Inspection, ~~examination,~~ and copying  
24 ~~duplication~~ of records; fees; exemptions.--

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

30 (b) A person who has custody of a public record who  
31 asserts that an exemption applies to a part of such record

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

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

31 (d) Photographing of public records shall be done in

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

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

31 (a) Up to 15 cents per one-sided copy for duplicated

Amendment No. \_\_\_\_ (for drafter's use only)

1 copies of not more than 14 inches by 8 1/2 inches; an agency  
2 may charge no more than an additional 5 cents for each  
3 two-sided copy, upon payment of not more than 15 cents per  
4 ~~one-sided copy~~, and for all other copies, upon payment of the  
5 actual cost of duplication of the public record. ~~An agency~~  
6 ~~may charge no more than an additional 5 cents for each~~  
7 ~~two-sided duplicated copy. For purposes of this section,~~  
8 ~~duplicated copies shall mean new copies produced by~~  
9 ~~duplicating, as defined in s. 283.30. The phrase "actual cost~~  
10 ~~of duplication" means the cost of the material and supplies~~  
11 ~~used to duplicate the record, but it does not include the~~  
12 ~~labor cost or overhead cost associated with such duplication.~~  
13 ~~However,~~

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 cost of the personnel providing the service that is actually  
2 incurred by the agency or attributable to the agency for the  
3 clerical and supervisory assistance required, or both.

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

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

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

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

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



Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

14 (6)~~(3)~~(a) Examination questions and answer sheets of  
15 examinations administered by a governmental agency for the  
16 purpose of licensure, certification, or employment are exempt  
17 from the provisions of subsection (1) and s. 24(a), Art. I of  
18 the State Constitution. A person who has taken such an  
19 examination shall have the right to review his or her own  
20 completed examination.

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 a state or local law enforcement agency, the office of the  
2 Governor, the Department of Legal Affairs, the Department of  
3 Law Enforcement, or the Department of Community Affairs as  
4 having an official need for access to the inventory or  
5 comprehensive policies or plans.

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

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

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

31 (h) All criminal intelligence and criminal

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

17         2. The home addresses, telephone numbers, social  
18 security numbers, and photographs of current or former human  
19 resource, labor relations, or employee relations directors,  
20 assistant directors, managers, or assistant managers of any  
21 local government agency or water management district whose  
22 duties include hiring and firing employees, labor contract  
23 negotiation, administration, or other personnel-related  
24 duties; the names, home addresses, telephone numbers, social  
25 security numbers, photographs, and places of employment of the  
26 spouses and children of such personnel; and the names and  
27 locations of schools and day care facilities attended by the  
28 children of such personnel are exempt from subsection (1) and  
29 s. 24(a), Art. I of the State Constitution. This subparagraph  
30 is subject to the Open Government Sunset Review Act of 1995 in  
31 accordance with s. 119.15, and shall stand repealed on October

Amendment No. \_\_\_\_ (for drafter's use only)

1 2, 2006, unless reviewed and saved from repeal through  
2 reenactment by the Legislature.

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

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

25 (j) Any information provided to an agency of state  
26 government or to an agency of a political subdivision of the  
27 state for the purpose of forming ridesharing arrangements,  
28 which information reveals the identity of an individual who  
29 has provided his or her name for ridesharing, as defined in s.  
30 341.031, is exempt from the provisions of subsection (1) and  
31 s. 24(a), Art. I of the State Constitution.

Amendment No. \_\_\_\_ (for drafter's use only)

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

7           (1)1. A public record which was prepared by an agency  
8 attorney (including an attorney employed or retained by the  
9 agency or employed or retained by another public officer or  
10 agency to protect or represent the interests of the agency  
11 having custody of the record) or prepared at the attorney's  
12 express direction, which reflects a mental impression,  
13 conclusion, litigation strategy, or legal theory of the  
14 attorney or the agency, and which was prepared exclusively for  
15 civil or criminal litigation or for adversarial administrative  
16 proceedings, or which was prepared in anticipation of imminent  
17 civil or criminal litigation or imminent adversarial  
18 administrative proceedings, is exempt from the provisions of  
19 subsection (1) and s. 24(a), Art. I of the State Constitution  
20 until the conclusion of the litigation or adversarial  
21 administrative proceedings. For purposes of capital collateral  
22 litigation as set forth in s. 27.7001, the Attorney General's  
23 office is entitled to claim this exemption for those public  
24 records prepared for direct appeal as well as for all capital  
25 collateral litigation after direct appeal until execution of  
26 sentence or imposition of a life sentence.

27           2. This exemption is not waived by the release of such  
28 public record to another public employee or officer of the  
29 same agency or any person consulted by the agency attorney.  
30 When asserting the right to withhold a public record pursuant  
31 to this paragraph, the agency shall identify the potential



Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

31 2. ~~"Sensitive" means only those portions of data~~

Amendment No. \_\_\_\_ (for drafter's use only)

1 ~~processing software, including the specifications and~~  
2 ~~documentation, used to:~~

3       ~~a. Collect, process, store, and retrieve information~~  
4 ~~which is exempt from the provisions of subsection (1);~~

5       ~~b. Collect, process, store, and retrieve financial~~  
6 ~~management information of the agency, such as payroll and~~  
7 ~~accounting records; or~~

8       ~~c. Control and direct access authorizations and~~  
9 ~~security measures for automated systems.~~

10       (p) All complaints and other records in the custody of  
11 any unit of local government which relate to a complaint of  
12 discrimination relating to race, color, religion, sex,  
13 national origin, age, handicap, marital status, sale or rental  
14 of housing, the provision of brokerage services, or the  
15 financing of housing are exempt from the provisions of  
16 subsection (1) and s. 24(a), Art. I of the State Constitution  
17 until a finding is made relating to probable cause, the  
18 investigation of the complaint becomes inactive, or the  
19 complaint or other record is made part of the official record  
20 of any hearing or court proceeding. This provision shall not  
21 affect any function or activity of the Florida Commission on  
22 Human Relations. Any state or federal agency which is  
23 authorized to have access to such complaints or records by any  
24 provision of law shall be granted such access in the  
25 furtherance of such agency's statutory duties, notwithstanding  
26 the provisions of this section. This paragraph shall not be  
27 construed to modify or repeal any special or local act.

28       (q) All complaints and other records in the custody of  
29 any agency in the executive branch of state government which  
30 relate to a complaint of discrimination relating to race,  
31 color, religion, sex, national origin, age, handicap, or

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

13         2. Any information in a videotaped statement of a  
14 minor who is alleged to be or who is a victim of sexual  
15 battery, lewd acts, or other sexual misconduct proscribed in  
16 chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s.  
17 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which  
18 reveals that minor's identity, including, but not limited to,  
19 the minor's face; the minor's home, school, church, or  
20 employment telephone number; the minor's home, school, church,  
21 or employment address; the name of the minor's school, church,  
22 or place of employment; or the personal assets of the minor;  
23 and which identifies that minor as the victim of a crime  
24 described in this subparagraph, is confidential and exempt  
25 from subsection (1) and s. 24(a), Art. I of the State  
26 Constitution. Any governmental agency that is authorized to  
27 have access to such statements by any provision of law shall  
28 be granted such access in the furtherance of the agency's  
29 statutory duties, notwithstanding the provisions of this  
30 section. This subparagraph is subject to the Open Government  
31 Sunset Review Act of 1995 in accordance with s. 119.15, and

Amendment No. \_\_\_\_ (for drafter's use only)

1 shall stand repealed on October 2, 2003.

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

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

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

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

28           (v) Medical information pertaining to a prospective,  
29 current, or former officer or employee of an agency which, if  
30 disclosed, would identify that officer or employee is exempt  
31 from the provisions of subsection (1) and s. 24(a), Art. I of

Amendment No. \_\_\_\_ (for drafter's use only)

1 the State Constitution. However, such information may be  
2 disclosed if the person to whom the information pertains or  
3 the person's legal representative provides written permission  
4 or pursuant to court order.

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

24 2. The Governor, in the case of the Chief Inspector  
25 General, or agency head, in the case of an employee designated  
26 as the agency inspector general under s. 112.3189, may certify  
27 such investigatory records require an exemption to protect the  
28 integrity of the investigation or avoid unwarranted damage to  
29 an individual's good name or reputation. The certification  
30 shall specify the nature and purpose of the investigation and  
31 shall be kept with the exempt records and made public when the

Amendment No. \_\_\_\_ (for drafter's use only)

1 records are made public.

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

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

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

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



Amendment No. \_\_\_\_ (for drafter's use only)

1 ~~ordered by the court. This paragraph is subject to the Open~~  
2 ~~Government Sunset Review Act of 1995 in accordance with s.~~  
3 ~~119.15, and shall stand repealed on October 2, 2001, unless~~  
4 ~~reviewed and saved from repeal through reenactment by the~~  
5 ~~Legislature.~~

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

28           3. For use in connection with matters of motor vehicle  
29 or driver safety and theft; motor vehicle emissions; motor  
30 vehicle product alterations, recalls, or advisories;  
31 performance monitoring of motor vehicles, motor vehicle parts,

Amendment No. \_\_\_\_ (for drafter's use only)

1 and dealers; motor vehicle market research activities,  
2 including survey research; and removal of nonowner records  
3 from the original owner records of motor vehicle  
4 manufacturers.

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

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

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

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

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

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

25 c. Investigation by any person in connection with any  
26 filed proceeding.

27 d. Execution or enforcement of judgments and orders.

28 e. Compliance with an order of any court.

29 6. For use in research activities and for use in  
30 producing statistical reports, so long as the personal  
31 information is not published, redisclosed, or used to contact

Amendment No. \_\_\_\_ (for drafter's use only)

1 individuals.

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

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

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

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

21           11. For use in connection with the operation of  
22 private toll transportation facilities.

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

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

28           b. The information will be used, rented, or sold  
29 solely for bulk distribution for survey, marketing, and  
30 solicitations, and that surveys, marketing, and solicitations  
31 will not be directed at those individuals who have timely

Amendment No. \_\_\_\_ (for drafter's use only)

1 requested that they not be directed at them.

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

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

8  
9 Personal information exempted from public disclosure according  
10 to this paragraph may be disclosed by the Department of  
11 Highway Safety and Motor Vehicles to an individual, firm,  
12 corporation, or similar business entity whose primary business  
13 interest is to resell or redisclose the personal information  
14 to persons who are authorized to receive such information.  
15 Prior to the department's disclosure of personal information,  
16 such individual, firm, corporation, or similar business entity  
17 must first enter into a contract with the department regarding  
18 the care, custody, and control of the personal information to  
19 ensure compliance with the federal Driver's Privacy Protection  
20 Act of 1994 and applicable state laws. An authorized recipient  
21 of personal information contained in a motor vehicle record,  
22 except a recipient under subparagraph 12., may contract with  
23 the Department of Highway Safety and Motor Vehicles to resell  
24 or redisclose the information for any use permitted under this  
25 paragraph. However, only authorized recipients of personal  
26 information under subparagraph 12. may resell or redisclose  
27 personal information pursuant to subparagraph 12. Any  
28 authorized recipient who resells or rediscloses personal  
29 information shall maintain, for a period of 5 years, records  
30 identifying each person or entity that receives the personal  
31 information and the permitted purpose for which it will be

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

29 2. Governmental agencies or their agents are entitled  
30 to access to the records specified in this paragraph for the  
31 purposes of auditing federal, state, or local housing programs

Amendment No. \_\_\_\_ (for drafter's use only)

1 or housing assistance programs. Such records may be used by an  
2 agency, as needed, in any administrative or judicial  
3 proceeding, provided such records are kept confidential and  
4 exempt, unless otherwise ordered by a court.

5 3. This paragraph is repealed effective October 2,  
6 2003, and must be reviewed by the Legislature before that date  
7 in accordance with s. 119.15, the Open Government Sunset  
8 Review Act of 1995.

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

18 1. With the express written consent of the individual  
19 or the individual's legally authorized representative.

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

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

23 4. To a health research entity, if the entity seeks  
24 the records or data pursuant to a research protocol approved  
25 by the department, maintains the records or data in accordance  
26 with the approved protocol, and enters into a purchase and  
27 data-use agreement with the department, the fee provisions of  
28 which are consistent with paragraph (1)(a). The department  
29 may deny a request for records or data if the protocol  
30 provides for intrusive follow-back contacts, has not been  
31 approved by a human studies institutional review board, does

Amendment No. \_\_\_\_ (for drafter's use only)

1 not plan for the destruction of confidential records after the  
2 research is concluded, is administratively burdensome, or does  
3 not have scientific merit. The agreement must restrict the  
4 release of any information, which would permit the  
5 identification of persons, limit the use of records or data to  
6 the approved research protocol, and prohibit any other use of  
7 the records or data. Copies of records or data issued  
8 pursuant to this subparagraph remain the property of the  
9 department.

10

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

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

19 (7)(4) Nothing in this section shall be construed to  
20 exempt from subsection (1) a public record which was made a  
21 part of a court file and which is not specifically closed by  
22 order of court, except as provided in paragraphs (c), (d),  
23 (e), (k), (l), and (o) of subsection (6)(3) and except  
24 information or records which may reveal the identity of a  
25 person who is a victim of a sexual offense as provided in  
26 paragraph (f) of subsection (6)(3).

27 (8)(5) An exemption from this section does not imply  
28 an exemption from or exception to s. 286.011. The exemption  
29 from or exception to s. 286.011 must be expressly provided.

30 (9)(6) Nothing in subsection (6)(3) or any other  
31 general or special law shall limit the access of the Auditor



Amendment No. \_\_\_\_ (for drafter's use only)

1 General, the Office of Program Policy Analysis and Government  
2 Accountability, or any state, county, municipal, university,  
3 board of community college, school district, or special  
4 district internal auditor to public records when such person  
5 states in writing that such records are needed for a properly  
6 authorized audit, examination, or investigation. Such person  
7 shall maintain the confidential or exempt status  
8 ~~confidentiality~~ of a any public record ~~records~~ that is ~~are~~  
9 confidential or exempt from the provisions of subsection (1),  
10 and shall be subject to the same penalties as the custodian  
11 ~~custodians~~ of that record ~~those public records~~ for public  
12 disclosure of such record ~~violating confidentiality~~.

13 (10)(7)(a) Any person or organization, including the  
14 Department of Children and Family Services, may petition the  
15 court for an order making public the records of the Department  
16 of Children and Family Services that pertain to investigations  
17 of alleged abuse, neglect, abandonment, or exploitation of a  
18 child or a vulnerable adult. The court shall determine if good  
19 cause exists for public access to the records sought or a  
20 portion thereof. In making this determination, the court shall  
21 balance the best interest of the vulnerable adult or child who  
22 is the focus of the investigation, and in the case of the  
23 child, the interest of that child's siblings, together with  
24 the privacy right of other persons identified in the reports  
25 against the public interest. The public interest in access to  
26 such records is reflected in s. 119.01(1), and includes the  
27 need for citizens to know of and adequately evaluate the  
28 actions of the Department of Children and Family Services and  
29 the court system in providing vulnerable adults and children  
30 of this state with the protections enumerated in ss. 39.001  
31 and 415.101. However, this subsection does not contravene ss.

Amendment No. \_\_\_\_ (for drafter's use only)

1 39.202 and 415.107, which protect the name of any person  
2 reporting the abuse, neglect, or exploitation of a child or a  
3 vulnerable adult.

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

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

27  
28 The summary information may not include the name of, or other  
29 identifying information with respect to, any person identified  
30 in any investigation. In making a determination to release  
31 confidential information, the court shall balance the best

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

17 ~~(11)(8)~~ The provisions of this section are not  
18 intended to expand or limit the provisions of Rule 3.220,  
19 Florida Rules of Criminal Procedure, regarding the right and  
20 extent of discovery by the state or by a defendant in a  
21 criminal prosecution or in collateral postconviction  
22 proceedings. This section may not be used by any inmate as  
23 the basis for failing to timely litigate any postconviction  
24 action.

25 Section 8. Sections 119.08 and 119.083, Florida  
26 Statutes, are repealed.

27 Section 9. Section 119.084, Florida Statutes, is  
28 amended to read:

29 119.084 Definitions; copyright of data processing  
30 software created by governmental agencies; sale price and  
31 licensing fee; ~~access to public records; prohibited~~

Amendment No. \_\_\_\_ (for drafter's use only)

1 ~~contracts.--~~

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

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

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

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

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 | prices or fees for the sale or licensing of copyrighted data  
2 | processing software to an individual or entity solely for  
3 | application to information maintained or generated by the  
4 | agency that created the copyrighted data processing software  
5 | shall be determined pursuant to s. 119.07(4)~~119.07(1)~~.

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

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

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

18 |         ~~(5) Each agency that maintains a public record in an  
19 | electronic recordkeeping system shall provide to any person,  
20 | pursuant to this chapter, a copy of any public record in that  
21 | system which is not exempted by law from public disclosure.  
22 | An agency must provide a copy of the record in the medium  
23 | requested if the agency maintains the record in that medium,  
24 | and the agency may charge a fee which shall be in accordance  
25 | with this chapter. For the purpose of satisfying a public  
26 | records request, the fee to be charged by an agency if it  
27 | elects to provide a copy of a public record in a medium not  
28 | routinely used by the agency, or if it elects to compile  
29 | information not routinely developed or maintained by the  
30 | agency or that requires a substantial amount of manipulation  
31 | or programming, must be in accordance with s. 119.07(1)(b).~~

Amendment No. \_\_\_\_ (for drafter's use only)

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

12           ~~(3)(7)~~ This section is subject to the Open Government  
13 Sunset Review Act of 1995 in accordance with s. 119.15 and  
14 shall stand repealed on October 2, 2006, unless reviewed and  
15 saved from repeal through reenactment by the Legislature.

16           Section 10. Sections 119.085 and 119.09, Florida  
17 Statutes, are repealed.

18           Section 11.     Section 119.10, Florida Statutes, is  
19 amended:

20           119.10 Violation of chapter; penalties.--

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

24           (2) Any person who willfully and knowingly violates:  
25 violating

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

29           (b)(3) Section ~~Any person who willfully and knowingly~~  
30 ~~violates s.119.105~~ commits a felony of the third degree,  
31 punishable as provided in s. 775.082, s. 775.083, or s.

Amendment No. \_\_\_\_ (for drafter's use only)

1 775.084.

2 Section 12. Section 119.105, Florida Statutes, is  
3 amended to read:

4 119.105 Protection of victims of crimes or  
5 accidents.--Police reports are public records except as  
6 otherwise made exempt or confidential ~~by general or special~~  
7 ~~law~~. Every person is allowed to examine nonexempt or  
8 nonconfidential police reports. No person who inspects or  
9 copies police reports for the purpose of obtaining the names  
10 and addresses of the victims of crimes or accidents shall use  
11 any information contained therein for any commercial  
12 solicitation of the victims or relatives of the victims of the  
13 reported crimes or accidents. Nothing herein shall prohibit  
14 the publication of such information by any news media or the  
15 use of such information for any other data collection or  
16 analysis purposes.

17 Section 13. Paragraph (a) of subsection (1) of section  
18 120.55, Florida Statutes, is amended to read:

19 120.55 Publication.--

20 (1) The Department of State shall:

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 however, the department shall retain responsibility for the  
2 code as provided in this section. This publication shall be  
3 the official compilation of the administrative rules of this  
4 state. The Department of State shall retain the copyright  
5 over the Florida Administrative Code.

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

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

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

31 Section 14. Paragraph (b) of subsection (2) of section



Amendment No. \_\_\_\_ (for drafter's use only)

1 257.36, Florida Statutes, is amended to read:

2 257.36 Records and information management.--

3 (2)

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

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

21 328.15 Notice of lien on vessel; recording.--

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

8 372.5717 Hunter safety course; requirements;  
9 penalty.--

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

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

18 560.121 Records; limited restrictions upon public  
19 access.--

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

29 Section 18. Subsection (6) of section 560.123, Florida  
30 Statutes, is amended to read:

31 560.123 Florida control of money laundering in the

Amendment No. \_\_\_\_ (for drafter's use only)

1 Money Transmitters' Code; reports of transactions involving  
2 currency or monetary instruments; when required; purpose;  
3 definitions; penalties; corpus delicti.--

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

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

13 560.129 Confidentiality.--

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

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

25 624.311 Records; reproductions; destruction.--

26 (3) The department may photograph, microphotograph, or  
27 reproduce on film, or maintain in an electronic recordkeeping  
28 system whereby each page will be reproduced in exact  
29 conformity with the original, all financial records, financial  
30 statements of domestic insurers, reports of business  
31 transacted in this state by foreign insurers and alien

Amendment No. \_\_\_\_ (for drafter's use only)

1 insurers, reports of examination of domestic insurers, and  
2 such other records and documents on file in its office as it  
3 may in its discretion select.

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

6 624.312 Reproductions and certified copies of records  
7 as evidence.--

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

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

21 633.527 Records concerning applicant; extent of  
22 confidentiality.--

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

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

28 655.50 Florida Control of Money Laundering in  
29 Financial Institutions Act; reports of transactions involving  
30 currency or monetary instruments; when required; purpose;  
31 definitions; penalties.--

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

29           Section 24. Section 945.25, Florida Statutes, is  
30 amended to read:

31           945.25 Records.--

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

13           (c) The terms of the sentence.

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

17           (e) A copy of all probation reports which may have  
18 been made.

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

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

26           (2)~~(3)~~ It shall be the duty of the court and its  
27 prosecuting officials to furnish to the department upon its  
28 request such information and also to furnish such copies of  
29 such minutes and other records as may be in their possession  
30 or under their control.

31           (3)~~(4)~~ Following the initial hearing provided for in

Amendment No. \_\_\_\_ (for drafter's use only)

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

7 Section 25. Paragraph (e) of subsection (4) of section  
8 985.31, Florida Statutes, is amended to read:

9 985.31 Serious or habitual juvenile offender.--

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

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

22 Section 26. Paragraph (d) of subsection (6) of section  
23 212.095, Florida Statutes, is repealed.

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

26 Section 28. Section 591.34, Florida Statutes, is  
27 repealed.

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

30 15.09 Fees.--

31 (5)(a) There is created within the Department of State

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

12 2. All public access network revenues collected  
13 pursuant to s. 15.16 or s. 119.01(3)(f)~~119.085~~.

14 Section 30. Paragraph (f) of subsection (1) of section  
15 23.22, Florida Statutes, is amended to read:

16 23.22 Paperwork reduction; activities of  
17 departments.--

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

25 (f) Collaborate with the Division of Library and  
26 Information Services, pursuant to s. 119.021(3)(d)~~119.09~~, to  
27 identify and index records retention requirements placed on  
28 private-sector organizations and local governments in Florida,  
29 clarify and reduce the requirements, and educate the affected  
30 entities through various communications media, including  
31 voice, data, video, radio, and image.



Amendment No. \_\_\_\_ (for drafter's use only)

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

3           27.151 Confidentiality of specified executive orders;  
4 criteria.--

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

10          Section 32. Paragraph (d) of subsection (1) of section  
11 101.5607, Florida Statutes, is amended to read:

12          101.5607 Department of State to maintain voting system  
13 information; prepare software.--

14          (1)

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

17          Section 33. Paragraph (b) of subsection (2) of section  
18 112.533, Florida Statutes, is amended to read:

19          112.533 Receipt and processing of complaints.--

20          (2)

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

29          Section 34. Paragraph (e) of subsection (2) of section  
30 231.29, Florida Statutes, is amended to read:

31          231.291 Personnel files.--Public school system

Amendment No. \_\_\_\_ (for drafter's use only)

1 employee personnel files shall be maintained according to the  
2 following provisions:

3 (2)

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

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

12 257.34 Florida International Archive and Repository.--

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

23 (a) Organize and administer the Florida International  
24 Archive and Repository.

25 (b) Preserve and administer records that are  
26 transferred to its custody; accept, arrange, and preserve  
27 them, according to approved archival and repository practices;  
28 and permit them, at reasonable times and under the supervision  
29 of the division, to be inspected, examined, and copied. All  
30 public records transferred to the custody of the division are  
31 subject to the provisions of s. 119.07(1).

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

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

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

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

25 257.35 Florida State Archives.--

26 (1) There is created within the Division of Library  
27 and Information Services of the Department of State the  
28 Florida State Archives for the preservation of those public  
29 records, as defined in s. 119.011(11)~~119.011(1)~~, manuscripts,  
30 and other archival material that have been determined by the  
31 division to have sufficient historical or other value to

Amendment No. \_\_\_\_ (for drafter's use only)

1 warrant their continued preservation and have been accepted by  
2 the division for deposit in its custody. It is the duty and  
3 responsibility of the division to:

4 (a) Organize and administer the Florida State  
5 Archives.

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

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

26 (d) Cooperate with and assist insofar as practicable  
27 state institutions, departments, agencies, counties,  
28 municipalities, and individuals engaged in activities in the  
29 field of state archives, manuscripts, and history and accept  
30 from any person any paper, book, record, or similar material  
31 which in the judgment of the division warrants preservation in

Amendment No. \_\_\_\_ (for drafter's use only)

1 the state archives.

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

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

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

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

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

24 Section 37. Section 282.21, Florida Statutes, is  
25 amended to read:

26 282.21 The State Technology Office's electronic access  
27 services.--The State Technology Office may collect fees for  
28 providing remote electronic access pursuant to s. 119.01(3)(f)  
29 ~~119.085~~. The fees may be imposed on individual transactions or  
30 as a fixed subscription for a designated period of time. All  
31 fees collected under this section shall be deposited in the

Amendment No. \_\_\_\_ (for drafter's use only)

1 appropriate trust fund of the program or activity that made  
2 the remote electronic access available.

3 Section 38. Paragraph (h) of subsection (2) of section  
4 287.0943, Florida Statutes, is amended to read:

5 287.0943 Certification of minority business  
6 enterprises.--

7 (2)

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

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

24 320.05 Records of the department; inspection  
25 procedure; lists and searches; fees.--

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

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

30 322.20 Records of the department; fees; destruction of  
31 records.--

Amendment No. \_\_\_\_ (for drafter's use only)

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

3           Section 41. Paragraph (b) of subsection (2) of section  
4 338.223, Florida Statutes, is amended to read:

5           338.223 Proposed turnpike projects.--

6           (2)

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 Costs to acquire and dispose of property acquired as hardship  
2 and protective purchases are considered costs of doing  
3 business for the department and are not to be considered in  
4 the determination of environmental feasibility for the  
5 project.

6 Section 42. Paragraph (a) of subsection (1) of section  
7 378.406, Florida Statutes, is amended to read:

8 378.406 Confidentiality of records; availability of  
9 information.--

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

25 Section 43. Paragraph (c) of subsection (5) of section  
26 399.02, Florida Statutes, is amended to read:

27 399.02 General requirements.--

28 (5)

29 (c) The elevator owner shall report to the department  
30 60 days before the expiration of the certificate of operation  
31 whether there exists a service maintenance contract, with whom



Amendment No. \_\_\_\_ (for drafter's use only)

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

13 Section 44. Paragraph (c) of subsection (1) of section  
14 400.0077, Florida Statutes, is amended to read:

15 400.0077 Confidentiality.--

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

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

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

28 401.27 Personnel; standards and certification.--

29 (5) The certification examination must be offered  
30 monthly. The department shall issue an examination admission  
31 notice to the applicant advising him or her of the time and

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

17 403.111 Confidential records.--

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

Amendment No. \_\_\_\_ (for drafter's use only)

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

8 Section 47. Section 409.2577, Florida Statutes, is  
9 amended to read:

10 409.2577 Parent locator service.--The department shall  
11 establish a parent locator service to assist in locating  
12 parents who have deserted their children and other persons  
13 liable for support of dependent children. The department  
14 shall use all sources of information available, including the  
15 Federal Parent Locator Service, and may request and shall  
16 receive information from the records of any person or the  
17 state or any of its political subdivisions or any officer  
18 thereof. Any agency as defined in s. 120.52, any political  
19 subdivision, and any other person shall, upon request, provide  
20 the department any information relating to location, salary,  
21 insurance, social security, income tax, and employment history  
22 necessary to locate parents who owe or potentially owe a duty  
23 of support pursuant to Title IV-D of the Social Security Act.  
24 This provision shall expressly take precedence over any other  
25 statutory nondisclosure provision which limits the ability of  
26 an agency to disclose such information, except that law  
27 enforcement information as provided in s. 119.07(6)(i)  
28 ~~119.07(3)(i)~~ is not required to be disclosed, and except that  
29 confidential taxpayer information possessed by the Department  
30 of Revenue shall be disclosed only to the extent authorized in  
31 s. 213.053(15). Nothing in this section requires the

Amendment No. \_\_\_\_ (for drafter's use only)

1 disclosure of information if such disclosure is prohibited by  
2 federal law. Information gathered or used by the parent  
3 locator service is confidential and exempt from the provisions  
4 of s. 119.07(1). Additionally, the department is authorized to  
5 collect any additional information directly bearing on the  
6 identity and whereabouts of a person owing or asserted to be  
7 owing an obligation of support for a dependent child. The  
8 department shall, upon request, make information available  
9 only to public officials and agencies of this state; political  
10 subdivisions of this state, including any agency thereof  
11 providing child support enforcement services to non-Title IV-D  
12 clients; the custodial parent, legal guardian, attorney, or  
13 agent of the child; and other states seeking to locate parents  
14 who have deserted their children and other persons liable for  
15 support of dependents, for the sole purpose of establishing,  
16 modifying, or enforcing their liability for support, and shall  
17 make such information available to the Department of Children  
18 and Family Services for the purpose of diligent search  
19 activities pursuant to chapter 39. If the department has  
20 reasonable evidence of domestic violence or child abuse and  
21 the disclosure of information could be harmful to the  
22 custodial parent or the child of such parent, the child  
23 support program director or designee shall notify the  
24 Department of Children and Family Services and the Secretary  
25 of the United States Department of Health and Human Services  
26 of this evidence. Such evidence is sufficient grounds for the  
27 department to disapprove an application for location services.

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

30 455.219 Fees; receipts; disposition; periodic  
31 management reports.--

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

9           456.025 Fees; receipts; disposition.--

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

16          Section 50. Paragraph (1) of subsection (3) of section  
17 627.311, Florida Statutes, is amended to read:

18          627.311 Joint underwriters and joint reinsurers.--

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 to the provisions of chapter 120. If adopted, the plan and  
2 the association created under the plan:

3 (1)1. Shall be subject to the public records  
4 requirements of chapter 119 and the public meeting  
5 requirements of s. 286.011. However, the following records of  
6 the Florida Automobile Joint Underwriting Association are  
7 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
8 of the State Constitution:

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

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

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

28 d. Matters reasonably encompassed in privileged  
29 attorney-client communications.

30 e. Proprietary information licensed to the association  
31 under contract when the contract provides for the

Amendment No. \_\_\_\_ (for drafter's use only)

1 confidentiality of such proprietary information.

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

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

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

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

23  
24 When an authorized insurer is considering underwriting a risk  
25 insured by the association, relevant underwriting files and  
26 confidential claims files may be released to the insurer  
27 provided the insurer agrees in writing, notarized and under  
28 oath, to maintain the confidentiality of such files. When a  
29 file is transferred to an insurer, that file is no longer a  
30 public record because it is not held by an agency subject to  
31 the provisions of the public records law. The association may

Amendment No. \_\_\_\_ (for drafter's use only)

1 make the following information obtained from underwriting  
2 files and confidential claims files available to licensed  
3 general lines insurance agents: name, address, and telephone  
4 number of the automobile owner or insured; location of the  
5 risk; rating information; loss history; and policy type. The  
6 receiving licensed general lines insurance agent must retain  
7 the confidentiality of the information received.

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

26  
27 This paragraph is subject to the Open Government Sunset Review  
28 Act of 1995 in accordance with s. 119.15, and shall stand  
29 repealed on October 2, 2003, unless reviewed and saved from  
30 repeal through reenactment by the Legislature.

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



Amendment No. \_\_\_\_ (for drafter's use only)

1 627.351, Florida Statutes, is amended to read:

2 627.351 Insurance risk apportionment plans.--

3 (6) RESIDENTIAL PROPERTY AND CASUALTY JOINT  
4 UNDERWRITING ASSOCIATION.--

5 (n)1. The following records of the Residential  
6 Property and Casualty Joint Underwriting Association are  
7 confidential and exempt from the provisions of s. 119.07(1)  
8 and s. 24(a), Art. I of the State Constitution:

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

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

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

28 d. Matters reasonably encompassed in privileged  
29 attorney-client communications.

30 e. Proprietary information licensed to the association  
31 under contract and the contract provides for the

Amendment No. \_\_\_\_ (for drafter's use only)

1 confidentiality of such proprietary information.

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

1 public record because it is not held by an agency subject to  
2 the provisions of the public records law. Underwriting files  
3 and confidential claims files may also be released to staff of  
4 and the board of governors of the market assistance plan  
5 established pursuant to s. 627.3515, who must retain the  
6 confidentiality of such files, except such files may be  
7 released to authorized insurers that are considering assuming  
8 the risks to which the files apply, provided the insurer  
9 agrees in writing, notarized and under oath, to maintain the  
10 confidentiality of such files. Finally, the association or  
11 the board or staff of the market assistance plan may make the  
12 following information obtained from underwriting files and  
13 confidential claims files available to licensed general lines  
14 insurance agents: name, address, and telephone number of the  
15 residential property owner or insured; location of the risk;  
16 rating information; loss history; and policy type. The  
17 receiving licensed general lines insurance agent must retain  
18 the confidentiality of the information received.

19         2. Portions of meetings of the Residential Property  
20 and Casualty Joint Underwriting Association are exempt from  
21 the provisions of s. 286.011 and s. 24(b), Art. I of the State  
22 Constitution wherein confidential underwriting files or  
23 confidential open claims files are discussed. All portions of  
24 association meetings which are closed to the public shall be  
25 recorded by a court reporter. The court reporter shall record  
26 the times of commencement and termination of the meeting, all  
27 discussion and proceedings, the names of all persons present  
28 at any time, and the names of all persons speaking. No  
29 portion of any closed meeting shall be off the record.  
30 Subject to the provisions hereof and s. 119.07(1)(b)-(d)  
31 ~~119.07(2)(a)~~, the court reporter's notes of any closed meeting

Amendment No. \_\_\_\_ (for drafter's use only)

1 shall be retained by the association for a minimum of 5 years.  
2 A copy of the transcript, less any exempt matters, of any  
3 closed meeting wherein claims are discussed shall become  
4 public as to individual claims after settlement of the claim.

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

7 633.527 Records concerning applicant; extent of  
8 confidentiality.--

9 (1) Test material is made confidential by s.  
10 119.07(6)(a)~~119.07(3)(a)~~. An applicant may waive in writing  
11 the confidentiality of his or her examination answer sheet for  
12 the purpose of discussion with the State Fire Marshal or his  
13 or her staff.

14 Section 53. Section 655.0321, Florida Statutes, is  
15 amended to read:

16 655.0321 Restricted access to certain hearings,  
17 proceedings, and related documents.--The department shall  
18 consider the public purposes specified in s. 119.15(4)(b)  
19 ~~119.14(4)(b)~~ and the provisions of s. 24, Art. I of the State  
20 Constitution in determining whether the hearings and  
21 proceedings conducted pursuant to s. 655.033 for the issuance  
22 of cease and desist orders and s. 655.037 for the issuance of  
23 suspension or removal orders shall be closed and exempt from  
24 the provisions of s. 286.011, and whether related documents  
25 shall be confidential and exempt from the provisions of s.  
26 119.07(1).

27 Section 54. Paragraph (m) of subsection (2) of section  
28 668.50, Florida Statutes, is amended to read:

29 668.50 Uniform Electronic Transaction Act.--

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

31 (m) "Record" means information that is inscribed on a

Amendment No. \_\_\_\_ (for drafter's use only)

1 tangible medium or that is stored in an electronic or other  
2 medium and is retrievable in perceivable form, including  
3 public records as defined in s. 119.011(11)~~119.011(1)~~.

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

6 794.024 Unlawful to disclose identifying  
7 information.--

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

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

23 947.13 Powers and duties of commission.--

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

28 Section 57. This act shall take effect July 1, 2002.  
29  
30  
31

Amendment No. \_\_\_\_ (for drafter's use only)

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

2 And the title is amended as follows:

3 On page ,  
4 remove:

5  
6 and insert:

7 An act relating to public records; amending s.  
8 18.20, F.S.; removing photographic film  
9 reproductions of specified vouchers or checks  
10 paid by the State Treasurer and preserved as  
11 records of the office of the Treasurer from  
12 classification as permanent records; amending  
13 s. 119.01, F.S.; establishing state policy with  
14 respect to public records; requiring that  
15 governmental agencies provide data in a common  
16 format; requiring governmental agencies to  
17 consider certain factors in designing or  
18 acquiring electronic recordkeeping systems;  
19 providing certain restrictions with respect to  
20 electronic recordkeeping systems and  
21 proprietary software; requiring governmental  
22 agencies to provide copies of public records  
23 stored in electronic recordkeeping systems;  
24 specifying circumstances under which the  
25 financial, business, and membership records of  
26 an organization are public records; amending s.  
27 119.011, F.S.; providing definitions; repealing  
28 ss. 119.0115, 119.012, 119.02, F.S., relating  
29 to videotapes and video signals, records made  
30 public by use of public funds, and penalties;  
31 amending s. 119.021, F.S.; providing

Amendment No. \_\_\_\_ (for drafter's use only)

1 requirements for governmental agencies in  
2 maintaining and preserving public records;  
3 requiring the Division of Library and  
4 Information Services of the Department of State  
5 to adopt rules for retaining and disposing of  
6 public records; authorizing the division to  
7 provide for archiving certain noncurrent  
8 records; providing for the destruction of  
9 certain records and the continued maintenance  
10 of certain records; providing for the  
11 disposition of records at the end of an  
12 official's term of office; requiring that a  
13 custodian of public records demand delivery of  
14 records held unlawfully; repealing ss. 119.031,  
15 119.041, 119.05, 119.06, F.S., relating to the  
16 retention and disposal of public records and  
17 the delivery of records held unlawfully;  
18 amending s. 119.07, F.S.; revising provisions  
19 governing the inspection and copying of public  
20 records; establishing fees for copying;  
21 providing requirements for making photographs;  
22 authorizing additional means of copying;  
23 repealing ss. 119.08, 119.083, F.S., relating  
24 to requirements for making photographs of  
25 public records and the licensing and sale of  
26 copyrighted data-processing software; amending  
27 s. 119.084, F.S.; deleting certain provisions  
28 governing the maintenance of public records in  
29 an electronic recordkeeping system; repealing  
30 ss. 119.085, 119.09, F.S., relating to remote  
31 electronic access to public records and the

Amendment No. \_\_\_\_ (for drafter's use only)

1 program for records and information management  
2 of the Department of State; amending s. 119.10,  
3 F.S.; clarifying provisions with respect to  
4 penalties for a violation of ch. 119, F.S.;  
5 amending s. 119.105, F.S.; clarifying  
6 provisions under which certain police reports  
7 may be exempt from the public records law;  
8 amending s. 120.55, F.S.; revising language  
9 with respect to publication of the Florida  
10 Administrative Code to provide that the  
11 Department of State is required to compile and  
12 publish the code through a continuous revision  
13 system; amending s. 257.36, F.S.; providing  
14 procedure with respect to official custody of  
15 records upon transfer of duties or  
16 responsibilities between state agencies or  
17 dissolution of a state agency; amending s.  
18 328.15, F.S.; revising the classification of  
19 records of notices and satisfaction of liens on  
20 vessels maintained by the Department of Highway  
21 Safety and Motor Vehicles; amending s.  
22 372.5717, F.S.; revising the classification of  
23 records of hunter safety certification cards  
24 maintained by the Fish and Wildlife  
25 Conservation Commission; amending s. 560.121,  
26 F.S.; decreasing and qualifying the period of  
27 retention for examination reports,  
28 investigatory records, applications,  
29 application records, and related information  
30 compiled by the Department of Banking and  
31 Finance under the Money Transmitters' Code;



Amendment No. \_\_\_\_ (for drafter's use only)

1 amending s. 560.123, F.S.; decreasing the  
2 period of retention for specified reports filed  
3 by money transmitters with the Department of  
4 Banking and Finance under the Money  
5 Transmitters' Code; amending s. 560.129, F.S.;  
6 decreasing and qualifying the period of  
7 retention for examination reports,  
8 investigatory records, applications,  
9 application records, and related information  
10 compiled by the Department of Banking and  
11 Finance under the Money Transmitters' Code;  
12 amending s. 624.311, F.S.; authorizing the  
13 Department of Insurance to maintain an  
14 electronic recordkeeping system for specified  
15 records, statements, reports, and documents;  
16 eliminating a standard for the reproduction of  
17 such records, statements, reports, and  
18 documents; amending s. 624.312, F.S.; providing  
19 that reproductions from an electronic  
20 recordkeeping system of specified documents and  
21 records of the Department of Insurance shall be  
22 treated as originals for the purpose of their  
23 admissibility in evidence; amending s. 633.527,  
24 F.S.; decreasing the period of retention for  
25 specified examination test questions, answer  
26 sheets, and grades in the possession of the  
27 Division of State Fire Marshal of the  
28 Department of Insurance; amending s. 655.50,  
29 F.S.; revising a requirement of the Department  
30 of Banking and Finance to retain copies of  
31 specified reports submitted by financial

Amendment No. \_\_\_\_ (for drafter's use only)

1 institutions under the Florida Control of Money  
2 Laundering in Financial Institutions Act to  
3 provide that such reports or information  
4 contained therein which are known to be the  
5 subject of an existing criminal proceeding  
6 shall be retained in accordance with federal  
7 law; revising a requirement of the department  
8 to retain copies of specified records of  
9 exemption for a person exempt under the Florida  
10 Control of Money Laundering in Financial  
11 Institutions Act to provide that if such person  
12 or the person's transactions are known to be  
13 the subject of an existing criminal proceeding  
14 the records shall be retained in accordance  
15 with federal law; amending s. 945.25, F.S.;  
16 requiring the Department of Corrections to  
17 obtain and place in its official records  
18 specified information on every person who may  
19 be sentenced to supervision or incarceration  
20 under the jurisdiction of the department;  
21 eliminating a requirement of the department, in  
22 its discretion, to obtain and place in its  
23 permanent records specified information on  
24 persons placed on probation and on persons who  
25 may become subject to pardon and commutation of  
26 sentence; amending s. 985.31, F.S.; revising  
27 the classification of specified medical files  
28 of serious or habitual juvenile offenders;  
29 repealing s. 212.095(6)(d), F.S., which  
30 requires the Department of Revenue to keep a  
31 permanent record of the amounts of refunds

Amendment No. \_\_\_\_ (for drafter's use only)

1           claimed and paid under ch. 212, F.S., and which  
2           requires that such records shall be open to  
3           public inspection; repealing s. 238.03(9),  
4           F.S., relating to the authority of the  
5           Department of Management Services to photograph  
6           and reduce to microfilm as a permanent record  
7           its ledger sheets showing the salaries and  
8           contributions of members of the Teachers'  
9           Retirement System of Florida, the records of  
10          deceased members of the system, and the  
11          authority to destroy the documents from which  
12          such films derive; repealing s. 591.34, F.S.;  
13          eliminating a procedure by which permission may  
14          be obtained from the Department of Agriculture  
15          and Consumer Services to cut seed trees;  
16          amending ss. 15.09(5)(a), 23.22(1)(f),  
17          101.5607(1)(d), 112.533(2)(b), 231.291(2)(e),  
18          257.34(1), 257.35(1), 282.21, 287.0943(2)(h),  
19          320.05(1), 322.20(8), 338.223(2)(b),  
20          378.406(1)(a), 400.0077(c)(1), 401.27(5),  
21          403.111(1), 409.2577, 455.219(6), 456.025(11),  
22          627.311(3)(1), 627.351(6)(n), 633.527(1),  
23          655.0321, 668.50(2)(m), and 794.024(1), making  
24          cross reference changes; amending ss. 655.0321  
25          and 27.151(2); amending and adding cross  
26          references; republishing s. 947.13; providing  
27          an effective date.

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