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2003

1 A bill to be entitled

2 An act relating to public necessity statements for public  
3 records and public meetings exemptions; repealing s.  
4 430.015, F.S.; removing a public necessity statement for a  
5 public records exemption for identifying information  
6 contained in records of elderly persons collected and held  
7 by the Department of Elderly Affairs; amending s. 440.132,  
8 F.S.; removing a public necessity statement for a public  
9 records exemption for investigatory records of the Agency  
10 for Health Care Administration made or received pursuant  
11 to a workers' compensation managed care arrangement and  
12 examination records necessary to complete an  
13 investigation; repealing s. 723.0065, F.S.; removing a  
14 public necessity statement for a public records exemption  
15 for specified financial records of mobile home park owners  
16 acquired by the Division of Florida Land Sales,  
17 Condominiums, and Mobile Homes of the Department of  
18 Business and Professional Regulation, and the Bureau of  
19 Mobile Homes of the division; repealing s. 768.301, F.S.;  
20 removing a public necessity statement for a public records  
21 exemption for certain claims files records and minutes of  
22 meetings and proceedings relating to risk management  
23 programs entered into by the state and its agencies and  
24 subdivisions, and a public meetings exemption for  
25 proceedings and meetings regarding claims filed; repealing  
26 s. 815.045, F.S.; removing a public necessity statement  
27 for a public records exemption for data, programs, or  
28 supporting documentation which are trade secrets and which  
29 reside or exist internal or external to a computer,  
30 computer system, or computer network and which are held by



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31 an agency; amending s. 943.031, F.S.; removing a public  
32 necessity statement for a public records and public  
33 meetings exemption for specified portions of meetings of  
34 the Florida Violent Crime and Drug Control Council,  
35 specified portions of public records generated at closed  
36 council meetings, and documents related to active criminal  
37 investigations or matters constituting active criminal  
38 intelligence; providing an effective date.

39

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

41

42 Section 1. Section 430.015, Florida Statutes, is repealed.

43 Section 2. Section 440.132, Florida Statutes, is amended

44 to read:

45 440.132 Investigatory records relating to workers'  
46 compensation managed care arrangements; confidentiality.--

47 ~~(1)~~ All investigatory records of the Agency for Health  
48 Care Administration made or received pursuant to s. 440.134 and  
49 any examination records necessary to complete an investigation  
50 are confidential and exempt from the provisions of s. 119.07(1)  
51 and s. 24(a), Art. I of the State Constitution until the  
52 investigation is completed or ceases to be active, except that  
53 portions of medical records which specifically identify patients  
54 must remain confidential and exempt. An investigation is  
55 considered "active" while such investigation is being conducted  
56 by the agency with a reasonable, good faith belief that it may  
57 lead to the filing of administrative, civil, or criminal  
58 proceedings. An investigation does not cease to be active if the  
59 agency is proceeding with reasonable dispatch and there is good



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60 faith belief that action may be initiated by the agency or other  
61 administrative or law enforcement agency.

62 ~~(2) The Legislature finds that it is a public necessity~~  
63 ~~that these investigatory and examination records be held~~  
64 ~~confidential and exempt during an investigation in order not to~~  
65 ~~compromise the investigation and disseminate potentially~~  
66 ~~inaccurate information. To the extent this information is made~~  
67 ~~available to the public, those persons being investigated will~~  
68 ~~have access to such information which would potentially defeat~~  
69 ~~the purpose of the investigation. This would impede the~~  
70 ~~effective and efficient operation of investigatory governmental~~  
71 ~~functions.~~

72 Section 3. Sections 723.0065, 768.301, and 815.045,  
73 Florida Statutes, are repealed.

74 Section 4. Paragraph (a) of subsection (7) of section  
75 943.031, Florida Statutes, is amended to read:

76 943.031 Florida Violent Crime and Drug Control Council.--

77 (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL MEETINGS  
78 AND RECORDS.--

79 (a)~~1~~. The Legislature finds that during limited portions  
80 of the meetings of the Florida Violent Crime and Drug Control  
81 Council it is necessary that the council be presented with and  
82 discuss details, information, and documents related to active  
83 criminal investigations or matters constituting active criminal  
84 intelligence, as those concepts are defined by s. 119.011. These  
85 presentations and discussions are necessary for the council to  
86 make its funding decisions as required by the Legislature. The  
87 Legislature finds that to reveal the contents of documents  
88 containing active criminal investigative or intelligence  
89 information or to allow active criminal investigative or active



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90 criminal intelligence matters to be discussed in a meeting open  
91 to the public negatively impacts the ability of law enforcement  
92 agencies to efficiently continue their investigative or  
93 intelligence gathering activities. The Legislature finds that  
94 information coming before the council that pertains to active  
95 criminal investigations or intelligence should remain  
96 confidential and exempt from public disclosure. The Legislature  
97 finds that the Florida Violent Crime and Drug Control Council  
98 may, by declaring only those portions of council meetings in  
99 which active criminal investigative or active criminal  
100 intelligence information is to be presented or discussed closed  
101 to the public, assure an appropriate balance between the policy  
102 of this state that meetings be public and the policy of this  
103 state to facilitate efficient law enforcement efforts.

104 ~~2. The Legislature finds that it is a public necessity~~  
105 ~~that portions of the meetings of the Florida Violent Crime and~~  
106 ~~Drug Control Council be closed when the confidential details,~~  
107 ~~information, and documents related to active criminal~~  
108 ~~investigations or matters constituting active criminal~~  
109 ~~intelligence are discussed. The Legislature further finds that~~  
110 ~~it is no less a public necessity that portions of public records~~  
111 ~~generated at closed council meetings, such as tape recordings,~~  
112 ~~minutes, and notes, memorializing the discussions regarding such~~  
113 ~~confidential details, information, and documents related to~~  
114 ~~active criminal investigations or matters constituting active~~  
115 ~~criminal intelligence, also shall be held confidential.~~

116 Section 5. This act shall take effect upon becoming a law.