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A bill to be entitled

An act relating to public records; amending s. 18.20, F.S.; removing photographic film reproductions of specified vouchers or checks paid by the State Treasurer and preserved as records of the office of the Treasurer from classification as permanent records; creating s. 39.2021, F.S.; relocating the provision allowing a person or organization to petition the court for access to records of the Department of Children and Family Services; amending s. 119.01, F.S.; establishing state policy with respect to public records; requiring governmental agencies to consider certain factors in designing or acquiring electronic recordkeeping systems; providing certain restrictions with respect to electronic recordkeeping systems and proprietary software; requiring governmental agencies to provide copies of public records stored in electronic recordkeeping systems; authorizing agencies to charge a fee for such copies; specifying circumstances under which the financial, business, and membership records of an organization are public records; amending s. 119.011, F.S.; providing definitions; correcting cross references; repealing ss. 119.0115, 119.012, and 119.02, F.S., relating to specified exemption for certain videotapes and video signals, records made public by the use of public funds, and penalties for violation of public records requirements by a public officer; amending s. 119.021, F.S.; providing requirements for governmental agencies in maintaining and preserving public records; requiring the Division of Library and Information Services of the Department of State to adopt rules for retaining



HB 1807

2003

31 and disposing of public records; authorizing the division
32 to provide for archiving certain noncurrent records;
33 providing for the destruction of certain records and the
34 continued maintenance of certain records; providing for
35 the disposition of records at the end of an official's
36 term of office; requiring that a custodian of public
37 records demand delivery of records held unlawfully;
38 repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S.,
39 relating to the retention and disposal of public records
40 and the delivery of records held unlawfully; amending s.
41 119.07, F.S.; revising provisions governing the inspection
42 and copying of public records; establishing fees for
43 copying; providing requirements for making photographs;
44 authorizing additional means of copying; repealing s.
45 119.08, F.S., relating to requirements for making
46 photographs of public records; amending s. 119.084, F.S.;
47 deleting certain provisions governing the maintenance of
48 public records in an electronic recordkeeping system;
49 repealing ss. 119.085 and 119.09, F.S., relating to remote
50 electronic access to public records and the program for
51 records and information management of the Department of
52 State; amending s. 119.10, F.S.; clarifying provisions
53 with respect to penalties for violations of ch. 119, F.S.;
54 amending s. 119.105, F.S.; clarifying provisions under
55 which certain police reports may be exempt from the public
56 records law; amending s. 120.55, F.S.; revising language
57 with respect to publication of the Florida Administrative
58 Code to provide that the Department of State is required
59 to compile and publish the code through a continuous
60 revision system; amending s. 257.36, F.S.; providing



HB 1807

2003

61 procedure with respect to official custody of records upon
62 transfer of duties or responsibilities between state
63 agencies or dissolution of a state agency; amending s.
64 328.15, F.S.; revising the classification of records of
65 notices and satisfaction of liens on vessels maintained by
66 the Department of Highway Safety and Motor Vehicles;
67 amending s. 372.5717, F.S.; revising the classification of
68 records of hunter safety certification cards maintained by
69 the Fish and Wildlife Conservation Commission; creating s.
70 415.1071, F.S.; relocating the provision allowing a person
71 or organization to petition the court for access to
72 records of the Department of Children and Family Services;
73 amending s. 560.121, F.S.; decreasing and qualifying the
74 period of retention for examination reports, investigatory
75 records, applications, application records, and related
76 information compiled by the Department of Banking and
77 Finance under the Money Transmitters' Code; amending s.
78 560.123, F.S.; decreasing the period of retention for
79 specified reports filed by money transmitters with the
80 Department of Banking and Finance under the money
81 Transmitters' Code; amending s. 560.129, F.S.; decreasing
82 and qualifying the period of retention for examination
83 reports, investigatory records, applications, application
84 records, and related information compiled by the
85 Department of Banking and Finance under the Money
86 Transmitters' Code; amending s. 624.311, F.S.; authorizing
87 the Department of Insurance to maintain an electronic
88 recordkeeping system for specified records, statements,
89 reports, and documents; eliminating a standard for the
90 reproduction of such records, statements, reports, and



HB 1807

2003

91 documents; amending s. 624.312, F.S.; providing that
92 reproductions from an electronic recordkeeping system of
93 specified documents and records of the Department of
94 Insurance shall be treated as originals for the purpose of
95 their admissibility in evidence; amending s. 633.527,
96 F.S.; decreasing the period of retention for specified
97 examination test questions, answer sheets, and grades in
98 the possession of the Division of State Fire Marshal of
99 the Department of Insurance; amending s. 655.50, F.S.;
100 revising requirements of the Department of Banking and
101 Finance with respect to retention of copies of specified
102 reports and records of exemption submitted or filed by
103 financial institutions under the Florida Control of Money
104 Laundering in Financial Institutions Act; amending s.
105 945.25, F.S.; requiring the Department of Corrections to
106 obtain and place in its records specified information on
107 every person who may be sentenced to supervision or
108 incarceration under the jurisdiction of the department;
109 eliminating a requirement of the department, in its
110 discretion, to obtain and place in its permanent records
111 specified information on persons placed on probation and
112 on persons who may become subject to pardon and
113 commutation of sentence; amending s. 985.31, F.S.;
114 revising the classification of specified medical files of
115 serious or habitual juvenile offenders; repealing s.
116 212.095(6)(d), F.S., which requires the Department of
117 Revenue to keep a permanent record of the amounts of
118 refunds claimed and paid under ch. 212, F.S., and which
119 requires that such records shall be open to public
120 inspection; repealing s. 238.03(9), F.S., relating to the



HB 1807

2003

121 authority of the Department of Management Services to
 122 photograph and reduce to microfilm as a permanent record
 123 its ledger sheets showing the salaries and contributions
 124 of members of the Teachers' Retirement System of Florida
 125 and the records of deceased members of the system, and the
 126 authority to destroy the documents from which such films
 127 derive; amending s. 27.151, F.S.; expanding considerations
 128 of the Governor in making an executive order confidential;
 129 correcting a cross reference; amending s. 655.0321, F.S.;
 130 expanding considerations of the Department of Banking and
 131 Finance in determining whether specified hearings and
 132 proceedings and documents related thereto shall be exempt
 133 from public records and meetings requirements; correcting
 134 a cross reference; amending ss. 15.09, 23.22, 101.5607,
 135 112.533, 1012.31, 257.34, 257.35, 282.21, 287.0943,
 136 320.05, 322.20, 338.223, 378.406, 400.0077, 401.27,
 137 403.111, 409.2577, 455.219, 456.025, 627.311, 627.351,
 138 633.527, 668.50, and 794.024, F.S.; conforming cross
 139 references; reenacting s. 947.13(2)(a), F.S., relating to
 140 the duty of the Parole Commission to examine specified
 141 records, to incorporate the amendment to s. 945.25, F.S.,
 142 in a reference thereto; providing an effective date.

143

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

145

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

148 18.20 Treasurer to make reproductions of certain warrants,
 149 records, and documents.--

150 (1) All vouchers or checks heretofore or hereafter drawn



HB 1807

2003

151 by appropriate court officials of the several counties of the
 152 state against money deposited with the Treasurer under the
 153 provisions of s. 43.17, and paid by the Treasurer, may be
 154 photographed, microphotographed, or reproduced on film by the
 155 Treasurer. Such photographic film shall be durable material and
 156 the device used to so reproduce such warrants, vouchers, or
 157 checks shall be one which accurately reproduces the originals
 158 thereof in all detail; and such photographs, microphotographs,
 159 or reproductions on film shall be placed in conveniently
 160 accessible and identified files and shall be preserved by the
 161 Treasurer as a part of the ~~permanent~~ records of office. When any
 162 such warrants, vouchers, or checks have been so photographed,
 163 microphotographed, or reproduced on film, and the photographs,
 164 microphotographs, or reproductions on film thereof have been
 165 placed in files as a part of the ~~permanent~~ records of the office
 166 of the Treasurer as aforesaid, the Treasurer is authorized to
 167 return such warrants, vouchers, or checks to the offices of the
 168 respective county officials who drew the same and such warrants,
 169 vouchers, or checks shall be retained and preserved in such
 170 offices to which returned as a part of the ~~permanent~~ records of
 171 such offices.

172 Section 2. Section 39.2021, Florida Statutes, is created
 173 to read:

174 39.2021 Release of confidential information.--

175 (1) Any person or organization, including the Department
 176 of Children and Family Services, may petition the court for an
 177 order making public the records of the Department of Children
 178 and Family Services that pertain to investigations of alleged
 179 abuse, abandonment, or neglect of a child. The court shall
 180 determine whether good cause exists for public access to the



HB 1807

2003

181 records sought or a portion thereof. In making this
182 determination, the court shall balance the best interest of the
183 child who is the focus of the investigation and the interest of
184 that child's siblings, together with the privacy right of other
185 persons identified in the reports, against the public interest.
186 The public interest in access to such records is reflected in
187 s. 119.01(1) and includes the need for citizens to know of and
188 adequately evaluate the actions of the Department of Children
189 and Family Services and the court system in providing children
190 of this state with the protections enumerated in s. 39.001.
191 However, this subsection does not contravene s. 39.202, which
192 protects the name of any person reporting the abuse,
193 abandonment, or neglect of a child.

194 (2) In cases involving serious bodily injury to a child,
195 the Department of Children and Family Services may petition the
196 court for an order for the immediate public release of records
197 of the department which pertain to the protective investigation.
198 The petition must be personally served upon the child, the
199 child's parent or guardian, and any person named as an alleged
200 perpetrator in the report of abuse, abandonment, or neglect. The
201 court must determine whether good cause exists for the public
202 release of the records sought no later than 24 hours, excluding
203 Saturdays, Sundays, and legal holidays, after the date the
204 department filed the petition with the court. If the court has
205 neither granted nor denied the petition within the 24-hour time
206 period, the department may release to the public summary
207 information including:

208 (a) A confirmation that an investigation has been
209 conducted concerning the alleged victim.

210 (b) The dates and brief description of procedural



HB 1807

2003

211 activities undertaken during the department's investigation.

212 (c) The date of each judicial proceeding, a summary of
213 each participant's recommendations made at the judicial
214 proceeding, and the ruling of the court.

215
216 The summary information may not include the name of, or other
217 identifying information with respect to, any person identified
218 in any investigation. In making a determination to release
219 confidential information, the court shall balance the best
220 interests of the child who is the focus of the investigation and
221 the interests of that child's siblings, together with the
222 privacy rights of other persons identified in the reports,
223 against the public interest for access to public records.
224 However, this subsection does not contravene s. 39.202, which
225 protects the name of any person reporting abuse, abandonment, or
226 neglect of a child.

227 (3) When the court determines that good cause for public
228 access exists, the court shall direct that the department redact
229 the name of and other identifying information with respect to
230 any person identified in any protective investigation report
231 until such time as the court finds that there is probable cause
232 to believe that the person identified committed an act of
233 alleged abuse, abandonment, or neglect.

234 Section 3. Section 119.01, Florida Statutes, is amended to
235 read:

236 119.01 General state policy on public records.--

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

240 ~~(2) The Legislature finds that, given advancements in~~



HB 1807

2003

241 ~~technology,~~ Providing access to public records is a duty of each
242 agency by remote electronic means is an additional method of
243 access that agencies should strive to provide to the extent
244 feasible. If an agency provides access to public records by
245 remote electronic means, then such access should be provided in
246 the most cost-effective and efficient manner available to the
247 agency providing the information.

248 ~~(2)(a)(3)~~ The Legislature finds that providing access to
249 ~~public records is a duty of each agency and that~~ Automation of
250 public records must not erode the right of access to public
251 ~~these records.~~ As each agency increases its use of and
252 dependence on electronic recordkeeping, each agency must provide
253 ensure reasonable public access to records electronically
254 maintained and must keep information made exempt or confidential
255 from being disclosed to the public.

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

260 (c) An agency may not enter into a contract for the
261 creation or maintenance of a public records database if that
262 contract impairs the ability of the public to inspect or copy
263 the public records of the agency, including public records that
264 are on-line or stored in an electronic recordkeeping system used
265 by the agency.

266 (d) Subject to the restrictions of copyright and trade
267 secret laws and public records exemptions, agency use of
268 proprietary software must not diminish the right of the public
269 to inspect and copy a public record.

270 (e) Providing access to public records by remote



HB 1807

2003

271 electronic means is an additional method of access that agencies
272 should strive to provide to the extent feasible. If an agency
273 provides access to public records by remote electronic means,
274 such access should be provided in the most cost-effective and
275 efficient manner available to the agency providing the
276 information.

277 (f) Each agency that maintains a public record in an
278 electronic recordkeeping system shall provide to any person,
279 pursuant to this chapter, a copy of any public record in that
280 system which is not exempted by law from public disclosure. An
281 agency must provide a copy of the record in the medium requested
282 if the agency maintains the record in that medium, and the
283 agency may charge a fee in accordance with this chapter. For the
284 purpose of satisfying a public records request, the fee to be
285 charged by an agency if it elects to provide a copy of a public
286 record in a medium not routinely used by the agency, or if it
287 elects to compile information not routinely developed or
288 maintained by the agency or that requires a substantial amount
289 of manipulation or programming, must be in accordance with s.
290 119.07(4).

291 (3) If public funds are expended by an agency as defined
292 in s. 119.011(2) in payment of dues or membership contributions
293 for any person, corporation, foundation, trust, association,
294 group, or other organization, all the financial, business, and
295 membership records of that person, corporation, foundation,
296 trust, association, group, or other organization which pertain
297 to the public agency are public records and subject to the
298 provisions of s. 119.07.

299 ~~(4) Each agency shall establish a program for the disposal~~
300 ~~of records that do not have sufficient legal, fiscal,~~



HB 1807

2003

301 ~~administrative, or archival value in accordance with retention~~
 302 ~~schedules established by the records and information management~~
 303 ~~program of the Division of Library and Information Services of~~
 304 ~~the Department of State.~~

305 Section 4. Section 119.011, Florida Statutes, is amended
 306 to read:

307 119.011 Definitions.--As used in ~~For the purpose of this~~
 308 ~~chapter, the term:~~

309 (1) "Actual cost of duplication" means the cost of the
 310 material and supplies used to duplicate the public record but
 311 does not include the labor cost or overhead cost associated with
 312 such duplication. ~~"Public records" means all documents, papers,~~
 313 ~~letters, maps, books, tapes, photographs, films, sound~~
 314 ~~recordings, data processing software, or other material,~~
 315 ~~regardless of the physical form, characteristics, or means of~~
 316 ~~transmission, made or received pursuant to law or ordinance or~~
 317 ~~in connection with the transaction of official business by any~~
 318 ~~agency.~~

319 (2) "Agency" means any state, county, district, authority,
 320 or municipal officer, department, division, board, bureau,
 321 commission, or other separate unit of government created or
 322 established by law including, for the purposes of this chapter,
 323 the Commission on Ethics, the Public Service Commission, and the
 324 Office of Public Counsel, and any other public or private
 325 agency, person, partnership, corporation, or business entity
 326 acting on behalf of any public agency.

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



HB 1807

2003

331 (b) "Criminal investigative information" means information
332 with respect to an identifiable person or group of persons
333 compiled by a criminal justice agency in the course of
334 conducting a criminal investigation of a specific act or
335 omission, including, but not limited to, information derived
336 from laboratory tests, reports of investigators or informants,
337 or any type of surveillance.

338 (c) "Criminal intelligence information" and "criminal
339 investigative information" shall not include:

340 1. The time, date, location, and nature of a reported
341 crime.

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

344 119.07(6)~~(3)~~(f).

345 3. The time, date, and location of the incident and of the
346 arrest.

347 4. The crime charged.

348 5. Documents given or required by law or agency rule to be
349 given to the person arrested, except as provided in s.

350 119.07(6)~~(3)~~(f), and, except that the court in a criminal case

351 may order that certain information required by law or agency

352 rule to be given to the person arrested be maintained in a

353 confidential manner and exempt from the provisions of s.

354 119.07(1) until released at trial if it is found that the

355 release of such information would:

356 a. Be defamatory to the good name of a victim or witness
357 or would jeopardize the safety of such victim or witness; and

358 b. Impair the ability of a state attorney to locate or
359 prosecute a codefendant.

360 6. Informations and indictments except as provided in s.



HB 1807

2003

361 905.26.

362 (d) The word "active" shall have the following meaning:

363 1. Criminal intelligence information shall be considered
 364 "active" as long as it is related to intelligence gathering
 365 conducted with a reasonable, good faith belief that it will lead
 366 to detection of ongoing or reasonably anticipated criminal
 367 activities.

368 2. Criminal investigative information shall be considered
 369 "active" as long as it is related to an ongoing investigation
 370 which is continuing with a reasonable, good faith anticipation
 371 of securing an arrest or prosecution in the foreseeable future.

372
 373 In addition, criminal intelligence and criminal investigative
 374 information shall be considered "active" while such information
 375 is directly related to pending prosecutions or appeals. The word
 376 "active" shall not apply to information in cases which are
 377 barred from prosecution under the provisions of s. 775.15 or
 378 other statute of limitation.

379 (4) "Criminal justice agency" means:

380 (a) Any law enforcement agency, court, or prosecutor;~~The~~
 381 ~~term also includes~~

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

384 (c) Any agency having custody of criminal intelligence
 385 information or criminal investigative information for the
 386 purpose of assisting such law enforcement agencies in the
 387 conduct of active criminal investigation or prosecution or for
 388 the purpose of litigating civil actions under the Racketeer
 389 Influenced and Corrupt Organization Act, during the time that
 390 such agencies are in possession of criminal intelligence



HB 1807

2003

391 information or criminal investigative information pursuant to
392 their criminal law enforcement duties; or. ~~The term also~~
393 ~~includes~~

394 (d) The Department of Corrections.

395 (5) "Custodian of public records" means the elected or
396 appointed state, county, or municipal officer charged with the
397 responsibility of maintaining the office having public records,
398 or his or her designee.

399 (6) "Data processing software" means the programs and
400 routines used to employ and control the capabilities of data
401 processing hardware, including, but not limited to, operating
402 systems, compilers, assemblers, utilities, library routines,
403 maintenance routines, applications, and computer networking
404 programs.

405 (7) "Duplicated copies" means new copies produced by
406 duplicating as defined in s. 283.30.

407 (8) "Exemption" means a provision of general law that
408 provides that a specified record or meeting, or portion thereof,
409 is not subject to the access requirements of s. 119.07(1), s.
410 286.011, or s. 24, Art. I of the State Constitution.

411 (9) "Information technology resources" has the meaning
412 ascribed to "information technology" in s. 282.0041(7).

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

415 (11) "Public records" means all documents, papers,
416 letters, maps, books, tapes, photographs, films, sound
417 recordings, data processing software, or other material,
418 regardless of the physical form, characteristics, or means of
419 transmission, made or received pursuant to law or ordinance or
420 in connection with the transaction of official business by any



HB 1807

2003

421 agency.

422 (12) "Redact" means the process of removing from an image
423 or a copy of an original public record that portion of the
424 record containing exempt or confidential information.

425 (13) "Sensitive," for purposes of defining agency-produced
426 software that is sensitive, means only those portions of data
427 processing software, including the specifications and
428 documentation, which are used to:

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

431 (b) Collect, process, store, and retrieve financial
432 management information of the agency, such as payroll and
433 accounting records; or

434 (c) Control and direct access authorizations and security
435 measures for automated systems.

436 Section 5. Sections 119.0115, 119.012, and 119.02, Florida
437 Statutes, are repealed.

438 Section 6. Section 119.021, Florida Statutes, is
439 amended to read:

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

442 119.021 Custodial requirements; maintenance, preservation,
443 and retention of public records.--

444 (1) Public records shall be maintained and preserved
445 as follows:

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

448 (b) Insofar as practicable, a custodian of public records
449 of vital, permanent, or archival value shall keep such records
450 in fireproof and waterproof safes, vaults, or rooms fitted with



HB 1807

2003

451 noncombustible materials and in such arrangement as to be easily
452 accessible for convenient use.

453 (c)1. Record books should be copied or repaired, restored,
454 or rebound if worn, mutilated, damaged, or difficult to read.

455 2. Whenever any state, county, or municipal records are in
456 need of repair, restoration, or rebinding, the head of the
457 concerned state agency, department, board, or commission; the
458 board of county commissioners of such county; or the governing
459 body of such municipality may authorize that such records be
460 removed from the building or office in which such records are
461 ordinarily kept for the length of time required to repair,
462 restore, or rebind them.

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

467 (2)(a) The Division of Library and Information Services of
468 the Department of State shall adopt rules to establish retention
469 schedules and disposal processes for public records.

470 (b) Each agency shall comply with the rules establishing
471 retention schedules and disposal processes for public records
472 which are adopted by the records and information management
473 program of the division.

474 (c) Every public official shall systematically dispose of
475 records no longer needed, subject to the consent of the records
476 and information management program of the division in accordance
477 with s. 257.36.

478 (d) The division may ascertain the condition of public
479 records and shall give advice and assistance to public officials
480 to solve problems related to the preservation, creation, filing,



HB 1807

2003

481 and public accessibility of public records in their custody.
482 Public officials shall assist the division by preparing an
483 inclusive inventory of categories of public records in their
484 custody. The division shall establish a time period for the
485 retention or disposal of each series of records. Upon the
486 completion of the inventory and schedule, the division shall,
487 subject to the availability of necessary space, staff, and other
488 facilities for such purposes, make space available in its
489 records center for the filing of semicurrent records so
490 scheduled and in its archives for noncurrent records of
491 permanent value, and shall render such other assistance as
492 needed, including the microfilming of records so scheduled.

493 (3) Agency orders that comprise final agency action and
494 that must be indexed or listed pursuant to s. 120.53 have
495 continuing legal significance; therefore, notwithstanding any
496 other provision of this chapter or any provision of chapter 257,
497 each agency shall permanently maintain records of such orders
498 pursuant to the applicable rules of the Department of State.

499 (4)(a) Whoever has custody of any public records shall
500 deliver, at the expiration of his or her term of office, to his
501 or her successor or, if there be none, to the records and
502 information management program of the Division of Library and
503 Information Services of the Department of State, all public
504 records kept or received by him or her in the transaction of
505 official business.

506 (b) Whoever is entitled to custody of public records shall
507 demand them from any person having illegal possession of them,
508 who must forthwith deliver the same to him or her. Any person
509 unlawfully possessing public records must, within 10 days,
510 deliver such records to the lawful custodian of public records



HB 1807

2003

511 unless just cause exists for failing to deliver such records.

512 Section 7. Sections 119.031, 119.041, 119.05, and 119.06,
 513 Florida Statutes, are repealed.

514 Section 8. Section 119.07, Florida Statutes, is amended to
 515 read:

516 119.07 Inspection, ~~examination,~~ and copying duplication of
 517 records; fees; exemptions.--

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

523 (b) An exemption from this section does not imply an
 524 exemption from s. 286.011. The exemption from s. 286.011 must
 525 be expressly provided.

526 (c) A person who has custody of a public record who
 527 asserts that an exemption applies to a part of such record shall
 528 redact that portion of the record to which an exemption has been
 529 asserted and validly applies, and such person shall produce the
 530 remainder of such record for inspection and copying.

531 (d) If the person who has custody of a public record
 532 contends that the record or part thereof is exempt from
 533 inspection and copying, he or she shall state the basis of the
 534 exemption that he or she contends is applicable to the record or
 535 part thereof, including the statutory citation to an exemption
 536 created or afforded by statute.

537 (e) If requested by the person seeking to inspect or copy
 538 the record, the custodian of public records shall state in
 539 writing and with particularity the reasons for the conclusion
 540 that the record is exempt or confidential.



HB 1807

2003

541 (f) In any civil action in which an exemption to this
542 section is asserted, if the exemption is alleged to exist under
543 or by virtue of paragraph (6)(c), paragraph (6)(d), paragraph
544 (6)(e), paragraph (6)(k), paragraph (6)(l), or paragraph (6)(o),
545 the public record or part thereof in question shall be submitted
546 to the court for an inspection in camera. If an exemption is
547 alleged to exist under or by virtue of paragraph (6)(b), an
548 inspection in camera will be discretionary with the court. If
549 the court finds that the asserted exemption is not applicable,
550 it shall order the public record or part thereof in question to
551 be immediately produced for inspection or copying as requested
552 by the person seeking such access.

553 (g) Regardless of whether an assertion is made by the
554 custodian of public records that a requested record is not a
555 public record subject to public inspection or copying under this
556 subsection, the requested record shall not be disposed of for a
557 period of 30 days after the date on which a written request to
558 inspect or copy the record was served on or otherwise made to
559 the custodian of public records by the person seeking access to
560 the record. If a civil action is instituted within the 30-day
561 period to enforce the provisions of this section with respect to
562 the requested record, the custodian of public records may not
563 dispose of the record except by order of a court of competent
564 jurisdiction after notice to all affected parties.

565 (h) The absence of a civil action instituted for the
566 purpose stated in paragraph (f) does not relieve the custodian
567 of public records of the duty to maintain the record as a public
568 record if the record is in fact a public record subject to
569 public inspection and copying under this subsection and does not
570 otherwise excuse or exonerate the custodian of public records



HB 1807

2003

571 from any unauthorized or unlawful disposition of such record.

572 (2)(a) Any person shall have the right of access to public
573 records for the purpose of making photographs of the record
574 while in the possession, custody, and control of the custodian
575 of public records.

576 (b) This subsection applies to the making of photographs
577 in the conventional sense by use of a camera device to capture
578 images of public records but excludes the duplication of
579 microfilm in the possession of the clerk of the circuit court
580 where a copy of the microfilm may be made available by the
581 clerk.

582 (c) Photographing of public records shall be done under
583 the supervision of the custodian of public records, who may
584 adopt and enforce reasonable rules governing such photographing.

585 (d) Photographing of public records shall be done in the
586 room where the public records are kept. If, in the judgment of
587 the custodian of public records, this is impossible or
588 impracticable, such photographing shall be done in another room
589 or place, as nearly adjacent as possible to the room where the
590 public records are kept, to be determined by the custodian of
591 public records. Where provision of another room or place for
592 photographing is required, the expense of providing the same
593 shall be paid by the person desiring to photograph the public
594 record pursuant to paragraph (4)(e).

595 (3)(a) As an additional means of inspecting or copying
596 public records, a custodian of public records may provide access
597 to public records by remote electronic means, provided exempt or
598 confidential information is not disclosed.

599 (b) The custodian of public records shall provide
600 safeguards to protect the contents of public records from



HB 1807

2003

601 unauthorized remote electronic access or alteration and to
 602 prevent the disclosure or modification of those portions of
 603 public records which are exempt or confidential from subsection
 604 (1) or s. 24, Art. I of the State Constitution.

605 (c) Unless otherwise required by law, the custodian of
 606 public records may charge a fee for remote electronic access,
 607 granted under a contractual arrangement with a user, which fee
 608 may include the direct and indirect costs of providing such
 609 access. Fees for remote electronic access provided to the
 610 general public shall be in accordance with the provisions of
 611 this section.

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

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

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

621 3. For all other copies, ~~upon payment of the actual cost~~
 622 of duplication of the public record. ~~An agency may charge no~~
 623 ~~more than an additional 5 cents for each two-sided duplicated~~
 624 ~~copy. For purposes of this section, duplicated copies shall mean~~
 625 ~~new copies produced by duplicating, as defined in s. 283.30.~~
 626 ~~The phrase "actual cost of duplication" means the cost of the~~
 627 ~~material and supplies used to duplicate the record, but it does~~
 628 ~~not include the labor cost or overhead cost associated with such~~
 629 ~~duplication. However,~~

630 (b) The charge for copies of county maps or aerial



HB 1807

2003

631 photographs supplied by county constitutional officers may also
632 include a reasonable charge for the labor and overhead
633 associated with their duplication. ~~Unless otherwise provided by~~
634 ~~law, the fees to be charged for duplication of public records~~
635 ~~shall be collected, deposited, and accounted for in the manner~~
636 ~~prescribed for other operating funds of the agency.~~

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

639 (d)~~(b)~~ If the nature or volume of public records requested
640 to be inspected, ~~examined~~, or copied pursuant to this subsection
641 is such as to require extensive use of information technology
642 resources or extensive clerical or supervisory assistance by
643 personnel of the agency involved, or both, the agency may
644 charge, in addition to the actual cost of duplication, a special
645 service charge, which shall be reasonable and shall be based on
646 the cost incurred for such extensive use of information
647 technology resources or the labor cost of the personnel
648 providing the service that is actually incurred by the agency or
649 attributable to the agency for the clerical and supervisory
650 assistance required, or both.

651 (e)1. Where provision of another room or place is
652 necessary to photograph public records, the expense of providing
653 the same shall be paid by the person desiring to photograph the
654 public records.

655 2. The custodian of public records may charge the person
656 making the photographs for supervision services at a rate of
657 compensation to be agreed upon by the person desiring to make
658 the photographs and the custodian of public records. If they
659 fail to agree as to the appropriate charge, then the charge is
660 to be determined by the custodian of public records.



HB 1807

2003

661 ~~"Information technology resources" means data processing~~
662 ~~hardware and software and services, communications, supplies,~~
663 ~~personnel, facility resources, maintenance, and training.~~

664 (5)(e) When ballots are produced under this section for
665 inspection or examination, no persons other than the supervisor
666 of elections or the supervisor's employees shall touch the
667 ballots. The supervisor of elections shall make a reasonable
668 effort to notify all candidates by telephone or otherwise of the
669 time and place of the inspection or examination. All such
670 candidates, or their representatives, shall be allowed to be
671 present during the inspection or examination.

672 ~~(2)(a) A person who has custody of a public record and who~~
673 ~~asserts that an exemption provided in subsection (3) or in a~~
674 ~~general or special law applies to a particular public record or~~
675 ~~part of such record shall delete or excise from the record only~~
676 ~~that portion of the record with respect to which an exemption~~
677 ~~has been asserted and validly applies, and such person shall~~
678 ~~produce the remainder of such record for inspection and~~
679 ~~examination. If the person who has custody of a public record~~
680 ~~contends that the record or part of it is exempt from inspection~~
681 ~~and examination, he or she shall state the basis of the~~
682 ~~exemption which he or she contends is applicable to the record,~~
683 ~~including the statutory citation to an exemption created or~~
684 ~~afforded by statute, and, if requested by the person seeking the~~
685 ~~right under this subsection to inspect, examine, or copy the~~
686 ~~record, he or she shall state in writing and with particularity~~
687 ~~the reasons for the conclusion that the record is exempt.~~

688 ~~(b) In any civil action in which an exemption to~~
689 ~~subsection (1) is asserted, if the exemption is alleged to exist~~
690 ~~under or by virtue of paragraph (c), paragraph (d), paragraph~~



HB 1807

2003

691 ~~(c), paragraph (k), paragraph (l), or paragraph (o) of~~
692 ~~subsection (3), the public record or part thereof in question~~
693 ~~shall be submitted to the court for an inspection in camera. If~~
694 ~~an exemption is alleged to exist under or by virtue of paragraph~~
695 ~~(b) of subsection (3), an inspection in camera will be~~
696 ~~discretionary with the court. If the court finds that the~~
697 ~~asserted exemption is not applicable, it shall order the public~~
698 ~~record or part thereof in question to be immediately produced~~
699 ~~for inspection, examination, or copying as requested by the~~
700 ~~person seeking such access.~~

701 ~~(c) Even if an assertion is made by the custodian of a~~
702 ~~public record that a requested record is not a public record~~
703 ~~subject to public inspection and examination under subsection~~
704 ~~(1), the requested record shall, nevertheless, not be disposed~~
705 ~~of for a period of 30 days after the date on which a written~~
706 ~~request requesting the right to inspect, examine, or copy the~~
707 ~~record was served on or otherwise made to the custodian of the~~
708 ~~record by the person seeking access to the record. If a civil~~
709 ~~action is instituted within the 30-day period to enforce the~~
710 ~~provisions of this section with respect to the requested record,~~
711 ~~the custodian shall not dispose of the record except by order of~~
712 ~~a court of competent jurisdiction after notice to all affected~~
713 ~~parties.~~

714 ~~(d) The absence of a civil action instituted for the~~
715 ~~purpose stated in paragraph (c) will not relieve the custodian~~
716 ~~of the duty to maintain the record as a public record if the~~
717 ~~record is in fact a public record subject to public inspection~~
718 ~~and examination under subsection (1) and will not otherwise~~
719 ~~excuse or exonerate the custodian from any unauthorized or~~
720 ~~unlawful disposition of such record.~~



HB 1807

2003

721 (6)~~(3)~~(a) Examination questions and answer sheets of
722 examinations administered by a governmental agency for the
723 purpose of licensure, certification, or employment are exempt
724 from the provisions of subsection (1) and s. 24(a), Art. I of
725 the State Constitution. A person who has taken such an
726 examination shall have the right to review his or her own
727 completed examination.

728 (b)1. Active criminal intelligence information and active
729 criminal investigative information are exempt from the
730 provisions of subsection (1) and s. 24(a), Art. I of the State
731 Constitution.

732 2. A request of a law enforcement agency to inspect or
733 copy a public record that is in the custody of another agency,
734 the custodian's response to the request, and any information
735 that would identify the public record that was requested by the
736 law enforcement agency or provided by the custodian are exempt
737 from the requirements of subsection (1) and s. 24(a), Art. I of
738 the State Constitution, during the period in which the
739 information constitutes criminal intelligence ~~criminal-~~
740 ~~intelligence~~ information or criminal investigative ~~criminal-~~
741 ~~investigative~~ information that is active. This exemption is
742 remedial in nature, and it is the intent of the Legislature that
743 the exemption be applied to requests for information received
744 before, on, or after the effective date of this subparagraph.
745 The law enforcement agency shall give notice to the custodial
746 agency when the criminal intelligence ~~criminal-intelligence~~
747 ~~information~~ or criminal investigative ~~criminal-investigative~~
748 information is no longer active, so that the custodian's
749 response to the request and information that would identify the
750 public record requested are available to the public. This



HB 1807

2003

751 subparagraph is subject to the Open Government Sunset Review Act
752 of 1995 in accordance with s. 119.15 and shall stand repealed
753 October 2, 2007, unless reviewed and saved from repeal through
754 reenactment by the Legislature.

755 (c) Any information revealing the identity of a
756 confidential informant or a confidential source is exempt from
757 the provisions of subsection (1) and s. 24(a), Art. I of the
758 State Constitution.

759 (d) Any information revealing surveillance techniques or
760 procedures or personnel is exempt from the provisions of
761 subsection (1) and s. 24(a), Art. I of the State Constitution.
762 Any comprehensive inventory of state and local law enforcement
763 resources compiled pursuant to part I, chapter 23, and any
764 comprehensive policies or plans compiled by a criminal justice
765 agency pertaining to the mobilization, deployment, or tactical
766 operations involved in responding to emergencies, as defined in
767 s. 252.34(3), are exempt from the provisions of subsection (1)
768 and s. 24(a), Art. I of the State Constitution and unavailable
769 for inspection, except by personnel authorized by a state or
770 local law enforcement agency, the office of the Governor, the
771 Department of Legal Affairs, the Department of Law Enforcement,
772 or the Department of Community Affairs as having an official
773 need for access to the inventory or comprehensive policies or
774 plans.

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

778 (f) Any criminal intelligence information or criminal
779 investigative information including the photograph, name,
780 address, or other fact or information which reveals the identity



HB 1807

2003

781 of the victim of the crime of sexual battery as defined in
782 chapter 794; the identity of the victim of a lewd or lascivious
783 offense committed upon or in the presence of a person less than
784 16 years of age, as defined in chapter 800; or the identity of
785 the victim of the crime of child abuse as defined by chapter 827
786 and any criminal intelligence information or criminal
787 investigative information or other criminal record, including
788 those portions of court records and court proceedings, which may
789 reveal the identity of a person who is a victim of any sexual
790 offense, including a sexual offense proscribed in chapter 794,
791 chapter 800, or chapter 827, is exempt from the provisions of
792 subsection (1) and s. 24(a), Art. I of the State Constitution.

793 (g) Any criminal intelligence information or criminal
794 investigative information which reveals the personal assets of
795 the victim of a crime, other than property stolen or destroyed
796 during the commission of the crime, is exempt from the
797 provisions of subsection (1) and s. 24(a), Art. I of the State
798 Constitution.

799 (h) All criminal intelligence and criminal investigative
800 information received by a criminal justice agency prior to
801 January 25, 1979, is exempt from the provisions of subsection
802 (1) and s. 24(a), Art. I of the State Constitution.

803 (i)1. The home addresses, telephone numbers, social
804 security numbers, and photographs of active or former law
805 enforcement personnel, including correctional and correctional
806 probation officers, personnel of the Department of Children and
807 Family Services whose duties include the investigation of abuse,
808 neglect, exploitation, fraud, theft, or other criminal
809 activities, personnel of the Department of Health whose duties
810 are to support the investigation of child abuse or neglect, and



HB 1807

2003

811 personnel of the Department of Revenue or local governments
812 whose responsibilities include revenue collection and
813 enforcement or child support enforcement; the home addresses,
814 telephone numbers, social security numbers, photographs, and
815 places of employment of the spouses and children of such
816 personnel; and the names and locations of schools and day care
817 facilities attended by the children of such personnel are exempt
818 from the provisions of subsection (1). The home addresses,
819 telephone numbers, and photographs of firefighters certified in
820 compliance with s. 633.35; the home addresses, telephone
821 numbers, photographs, and places of employment of the spouses
822 and children of such firefighters; and the names and locations
823 of schools and day care facilities attended by the children of
824 such firefighters are exempt from subsection (1). The home
825 addresses and telephone numbers of justices of the Supreme
826 Court, district court of appeal judges, circuit court judges,
827 and county court judges; the home addresses, telephone numbers,
828 and places of employment of the spouses and children of justices
829 and judges; and the names and locations of schools and day care
830 facilities attended by the children of justices and judges are
831 exempt from the provisions of subsection (1). The home
832 addresses, telephone numbers, social security numbers, and
833 photographs of current or former state attorneys, assistant
834 state attorneys, statewide prosecutors, or assistant statewide
835 prosecutors; the home addresses, telephone numbers, social
836 security numbers, photographs, and places of employment of the
837 spouses and children of current or former state attorneys,
838 assistant state attorneys, statewide prosecutors, or assistant
839 statewide prosecutors; and the names and locations of schools
840 and day care facilities attended by the children of current or



HB 1807

2003

841 former state attorneys, assistant state attorneys, statewide
842 prosecutors, or assistant statewide prosecutors are exempt from
843 subsection (1) and s. 24(a), Art. I of the State
844 Constitution.

845 2. The home addresses, telephone numbers, social security
846 numbers, and photographs of current or former human resource,
847 labor relations, or employee relations directors, assistant
848 directors, managers, or assistant managers of any local
849 government agency or water management district whose duties
850 include hiring and firing employees, labor contract negotiation,
851 administration, or other personnel-related duties; the names,
852 home addresses, telephone numbers, social security numbers,
853 photographs, and places of employment of the spouses and
854 children of such personnel; and the names and locations of
855 schools and day care facilities attended by the children of such
856 personnel are exempt from subsection (1) and s. 24(a), Art. I of
857 the State Constitution. This subparagraph is subject to the
858 Open Government Sunset Review Act of 1995 in accordance with s.
859 119.15, and shall stand repealed on October 2, 2006, unless
860 reviewed and saved from repeal through reenactment by the
861 Legislature.

862 3. The home addresses, telephone numbers, social security
863 numbers, and photographs of current or former code enforcement
864 officers; the names, home addresses, telephone numbers, social
865 security numbers, photographs, and places of employment of the
866 spouses and children of such persons; and the names and
867 locations of schools and day care facilities attended by the
868 children of such persons are exempt from subsection (1) and s.
869 24(a), Art. I of the State Constitution. This subparagraph is
870 subject to the Open Government Sunset Review Act of 1995 in



HB 1807

2003

871 accordance with s. 119.15, and shall stand repealed on October
872 2, 2006, unless reviewed and saved from repeal through
873 reenactment by the Legislature.

874 4. An agency that is the custodian of the personal
875 information specified in subparagraph 1., subparagraph 2., or
876 subparagraph 3. and that is not the employer of the officer,
877 employee, justice, judge, or other person specified in
878 subparagraph 1., subparagraph 2., or subparagraph 3. shall
879 maintain the exempt status ~~confidentiality~~ of the personal
880 information only if the officer, employee, justice, judge, other
881 person, or employing agency of the designated employee submits a
882 written request for maintenance of the exemption ~~confidentiality~~
883 to the custodial agency.

884 (j) Any information provided to an agency of state
885 government or to an agency of a political subdivision of the
886 state for the purpose of forming ridesharing arrangements, which
887 information reveals the identity of an individual who has
888 provided his or her name for ridesharing, as defined in s.
889 341.031, is exempt from the provisions of subsection (1) and s.
890 24(a), Art. I of the State Constitution.

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

896 (l)1. A public record which was prepared by an agency
897 attorney (including an attorney employed or retained by the
898 agency or employed or retained by another public officer or
899 agency to protect or represent the interests of the agency
900 having custody of the record) or prepared at the attorney's



HB 1807

2003

901 express direction, which reflects a mental impression,
902 conclusion, litigation strategy, or legal theory of the attorney
903 or the agency, and which was prepared exclusively for civil or
904 criminal litigation or for adversarial administrative
905 proceedings, or which was prepared in anticipation of imminent
906 civil or criminal litigation or imminent adversarial
907 administrative proceedings, is exempt from the provisions of
908 subsection (1) and s. 24(a), Art. I of the State Constitution
909 until the conclusion of the litigation or adversarial
910 administrative proceedings. For purposes of capital collateral
911 litigation as set forth in s. 27.7001, the Attorney General's
912 office is entitled to claim this exemption for those public
913 records prepared for direct appeal as well as for all capital
914 collateral litigation after direct appeal until execution of
915 sentence or imposition of a life sentence.

916 2. This exemption is not waived by the release of such
917 public record to another public employee or officer of the same
918 agency or any person consulted by the agency attorney. When
919 asserting the right to withhold a public record pursuant to this
920 paragraph, the agency shall identify the potential parties to
921 any such criminal or civil litigation or adversarial
922 administrative proceedings. If a court finds that the document
923 or other record has been improperly withheld under this
924 paragraph, the party seeking access to such document or record
925 shall be awarded reasonable attorney's fees and costs in
926 addition to any other remedy ordered by the court.

927 (m) Sealed bids or proposals received by an agency
928 pursuant to invitations to bid or requests for proposals are
929 exempt from the provisions of subsection (1) and s. 24(a), Art.
930 I of the State Constitution until such time as the agency



HB 1807

2003

931 provides notice of a decision or intended decision pursuant to
932 s. 120.57(3)(a) or within 10 days after bid or proposal opening,
933 whichever is earlier.

934 (n) When an agency of the executive branch of state
935 government seeks to acquire real property by purchase or through
936 the exercise of the power of eminent domain all appraisals,
937 other reports relating to value, offers, and counteroffers must
938 be in writing and are exempt from the provisions of subsection
939 (1) and s. 24(a), Art. I of the State Constitution until
940 execution of a valid option contract or a written offer to sell
941 that has been conditionally accepted by the agency, at which
942 time the exemption shall expire. The agency shall not finally
943 accept the offer for a period of 30 days in order to allow
944 public review of the transaction. The agency may give
945 conditional acceptance to any option or offer subject only to
946 final acceptance by the agency after the 30-day review period.
947 If a valid option contract is not executed, or if a written
948 offer to sell is not conditionally accepted by the agency, then
949 the exemption from the provisions of this chapter shall expire
950 at the conclusion of the condemnation litigation of the subject
951 property. An agency of the executive branch may exempt title
952 information, including names and addresses of property owners
953 whose property is subject to acquisition by purchase or through
954 the exercise of the power of eminent domain, from the provisions
955 of subsection (1) and s. 24(a), Art. I of the State Constitution
956 to the same extent as appraisals, other reports relating to
957 value, offers, and counteroffers. For the purpose of this
958 paragraph, "option contract" means an agreement of an agency of
959 the executive branch of state government to purchase real
960 property subject to final agency approval. This paragraph shall



HB 1807

2003

961 have no application to other exemptions from the provisions of
962 subsection (1) which are contained in other provisions of law
963 and shall not be construed to be an express or implied repeal
964 thereof.

965 (o) Data processing software obtained by an agency under a
966 licensing agreement which prohibits its disclosure and which
967 software is a trade secret, as defined in s. 812.081, and
968 agency-produced data processing software which is sensitive are
969 exempt from the provisions of subsection (1) and s. 24(a), Art.
970 I of the State Constitution. The designation of agency-produced
971 software as sensitive shall not prohibit an agency head from
972 sharing or exchanging such software with another public agency.
973 ~~As used in this paragraph:~~

974 ~~1. "Data processing software" means the programs and~~
975 ~~routines used to employ and control the capabilities of data~~
976 ~~processing hardware, including, but not limited to, operating~~
977 ~~systems, compilers, assemblers, utilities, library routines,~~
978 ~~maintenance routines, applications, and computer networking~~
979 ~~programs.~~

980 ~~2. "Sensitive" means only those portions of data~~
981 ~~processing software, including the specifications and~~
982 ~~documentation, used to:~~

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

985 ~~b. Collect, process, store, and retrieve financial~~
986 ~~management information of the agency, such as payroll and~~
987 ~~accounting records; or~~

988 ~~c. Control and direct access authorizations and security~~
989 ~~measures for automated systems.~~

990 (p) All complaints and other records in the custody of any



HB 1807

2003

991 unit of local government which relate to a complaint of
992 discrimination relating to race, color, religion, sex, national
993 origin, age, handicap, marital status, sale or rental of
994 housing, the provision of brokerage services, or the financing
995 of housing are exempt from the provisions of subsection (1) and
996 s. 24(a), Art. I of the State Constitution until a finding is
997 made relating to probable cause, the investigation of the
998 complaint becomes inactive, or the complaint or other record is
999 made part of the official record of any hearing or court
1000 proceeding. This provision shall not affect any function or
1001 activity of the Florida Commission on Human Relations. Any
1002 state or federal agency which is authorized to have access to
1003 such complaints or records by any provision of law shall be
1004 granted such access in the furtherance of such agency's
1005 statutory duties, notwithstanding the provisions of this
1006 section. This paragraph shall not be construed to modify or
1007 repeal any special or local act.

1008 (q) All complaints and other records in the custody of any
1009 agency in the executive branch of state government which relate
1010 to a complaint of discrimination relating to race, color,
1011 religion, sex, national origin, age, handicap, or marital status
1012 in connection with hiring practices, position classifications,
1013 salary, benefits, discipline, discharge, employee performance,
1014 evaluation, or other related activities are exempt from the
1015 provisions of subsection (1) and s. 24(a), Art. I of the State
1016 Constitution until a finding is made relating to probable cause,
1017 the investigation of the complaint becomes inactive, or the
1018 complaint or other record is made part of the official record of
1019 any hearing or court proceeding. This provision shall not
1020 affect any function or activity of the Florida Commission on



HB 1807

2003

1021 Human Relations. Any state or federal agency which is
 1022 authorized to have access to such complaints or records by any
 1023 provision of law shall be granted such access in the furtherance
 1024 of such agency's statutory duties, notwithstanding the
 1025 provisions of this section.

1026 (r) All records supplied by a telecommunications company,
 1027 as defined by s. 364.02, to a state or local governmental agency
 1028 which contain the name, address, and telephone number of
 1029 subscribers are confidential and exempt from the provisions of
 1030 subsection (1) and s. 24(a), Art. I of the State Constitution.

1031 (s)1. Any document that reveals the identity, home or
 1032 employment telephone number, home or employment address, or
 1033 personal assets of the victim of a crime and identifies that
 1034 person as the victim of a crime, which document is received by
 1035 any agency that regularly receives information from or
 1036 concerning the victims of crime, is exempt from the provisions
 1037 of subsection (1) and s. 24(a), Art. I of the State
 1038 Constitution. Any information not otherwise held ~~confidential~~
 1039 ~~or~~ exempt or confidential from the provisions of subsection (1)
 1040 which reveals the home or employment telephone number, home or
 1041 employment address, or personal assets of a person who has been
 1042 the victim of sexual battery, aggravated child abuse, aggravated
 1043 stalking, harassment, aggravated battery, or domestic violence
 1044 is exempt from the provisions of subsection (1) and s. 24(a),
 1045 Art. I of the State Constitution, upon written request by the
 1046 victim, which must include official verification that an
 1047 applicable crime has occurred. Such information shall cease to
 1048 be exempt 5 years after the receipt of the written request. Any
 1049 state or federal agency that is authorized to have access to
 1050 such documents by any provision of law shall be granted such



HB 1807

2003

1051 access in the furtherance of such agency's statutory duties,
1052 notwithstanding the provisions of this section.

1053 2. Any information in a videotaped statement of a minor
1054 who is alleged to be or who is a victim of sexual battery, lewd
1055 acts, or other sexual misconduct proscribed in chapter 800 or in
1056 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
1057 847.0133, or s. 847.0145, which reveals that minor's identity,
1058 including, but not limited to, the minor's face; the minor's
1059 home, school, church, or employment telephone number; the
1060 minor's home, school, church, or employment address; the name of
1061 the minor's school, church, or place of employment; or the
1062 personal assets of the minor; and which identifies that minor as
1063 the victim of a crime described in this subparagraph, is
1064 confidential and exempt from subsection (1) and s. 24(a), Art. I
1065 of the State Constitution. Any governmental agency that is
1066 authorized to have access to such statements by any provision of
1067 law shall be granted such access in the furtherance of the
1068 agency's statutory duties, notwithstanding the provisions of
1069 this section. This subparagraph is subject to the Open
1070 Government Sunset Review Act of 1995 in accordance with s.
1071 119.15, and shall stand repealed on October 2, 2003.

1072 3. A public employee or officer who has access to the
1073 videotaped statement of a minor who is alleged to be or who is a
1074 victim of sexual battery, lewd acts, or other sexual misconduct
1075 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
1076 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145,
1077 may not willfully and knowingly disclose videotaped information
1078 that reveals that minor's identity to a person who is not
1079 assisting in the investigation or prosecution of the alleged
1080 offense or to any person other than the defendant, the



HB 1807

2003

1081 defendant's attorney, or a person specified in an order entered
 1082 by the court having jurisdiction of the alleged offense.

1083 4. A person who violates subparagraph 3. commits a
 1084 misdemeanor of the first degree, punishable as provided in s.
 1085 775.082 or s. 775.083.

1086 (t) Any financial statement which an agency requires a
 1087 prospective bidder to submit in order to prequalify for bidding
 1088 or for responding to a proposal for a road or any other public
 1089 works project is exempt from the provisions of subsection (1)
 1090 and s. 24(a), Art. I of the State Constitution.

1091 (u) Where the alleged victim chooses not to file a
 1092 complaint and requests that records of the complaint remain
 1093 confidential, all records relating to an allegation of
 1094 employment discrimination are confidential and exempt from the
 1095 provisions of subsection (1) and s. 24(a), Art. I of the State
 1096 Constitution.

1097 (v) Medical information pertaining to a prospective,
 1098 current, or former officer or employee of an agency which, if
 1099 disclosed, would identify that officer or employee is exempt
 1100 from the provisions of subsection (1) and s. 24(a), Art. I of
 1101 the State Constitution. However, such information may be
 1102 disclosed if the person to whom the information pertains or the
 1103 person's legal representative provides written permission or
 1104 pursuant to court order.

1105 (w)1. If certified pursuant to subparagraph 2., an
 1106 investigatory record of the Chief Inspector General within the
 1107 Executive Office of the Governor or of the employee designated
 1108 by an agency head as the agency inspector general under s.
 1109 112.3189 is exempt from the provisions of subsection (1) and s.
 1110 24(a), Art. I of the State Constitution until the investigation



HB 1807

2003

1111 ceases to be active, or a report detailing the investigation is
1112 provided to the Governor or the agency head, or 60 days from the
1113 inception of the investigation for which the record was made or
1114 received, whichever first occurs. Investigatory records are
1115 those records which are related to the investigation of an
1116 alleged, specific act or omission or other wrongdoing, with
1117 respect to an identifiable person or group of persons, based on
1118 information compiled by the Chief Inspector General or by an
1119 agency inspector general, as named under the provisions of s.
1120 112.3189, in the course of an investigation. An investigation is
1121 active if it is continuing with a reasonable, good faith
1122 anticipation of resolution and with reasonable dispatch.

1123 2. The Governor, in the case of the Chief Inspector
1124 General, or agency head, in the case of an employee designated
1125 as the agency inspector general under s. 112.3189, may certify
1126 such investigatory records require an exemption to protect the
1127 integrity of the investigation or avoid unwarranted damage to an
1128 individual's good name or reputation. The certification shall
1129 specify the nature and purpose of the investigation and shall be
1130 kept with the exempt records and made public when the records
1131 are made public.

1132 3. The provisions of this paragraph do not apply to
1133 whistle-blower investigations conducted pursuant to the
1134 provisions of ss. 112.3187, 112.3188, 112.3189, and 112.31895.

1135 (x) The social security numbers of all current and former
1136 agency employees which numbers are contained in agency
1137 employment records are exempt from subsection (1) and ~~exempt~~
1138 ~~from~~ s. 24(a), Art. I of the State Constitution. As used in
1139 this paragraph, the term "agency" means an agency as defined in
1140 s. 119.011.



HB 1807

2003

1141 (y) The audit report of an internal auditor prepared for
1142 or on behalf of a unit of local government becomes a public
1143 record when the audit becomes final. As used in this paragraph,
1144 "unit of local government" means a county, municipality, special
1145 district, local agency, authority, consolidated city-county
1146 government, or any other local governmental body or public body
1147 corporate or politic authorized or created by general or special
1148 law. An audit becomes final when the audit report is presented
1149 to the unit of local government. Audit workpapers and notes
1150 related to such audit report are confidential and exempt from
1151 the provisions of subsection (1) and s. 24(a), Art. I of the
1152 State Constitution until the audit is completed and the audit
1153 report becomes final.

1154 (z) Any data, record, or document used directly or solely
1155 by a municipally owned utility to prepare and submit a bid
1156 relative to the sale, distribution, or use of any service,
1157 commodity, or tangible personal property to any customer or
1158 prospective customer shall be exempt from the provisions of
1159 subsection (1) and s. 24(a), Art. I of the State Constitution.
1160 This exemption commences when a municipal utility identifies in
1161 writing a specific bid to which it intends to respond. This
1162 exemption no longer applies when the contract for sale,
1163 distribution, or use of the service, commodity, or tangible
1164 personal property is executed, a decision is made not to execute
1165 such contract, or the project is no longer under active
1166 consideration. The exemption in this paragraph includes the bid
1167 documents actually furnished in response to the request for
1168 bids. However, the exemption for the bid documents submitted no
1169 longer applies after the bids are opened by the customer or
1170 prospective customer.



HB 1807

2003

1171 (aa) Upon a request made in a form designated by the
1172 Department of Highway Safety and Motor Vehicles, personal
1173 information contained in a motor vehicle record that identifies
1174 the requester is exempt from subsection (1) and s. 24(a), Art. I
1175 of the State Constitution except as provided in this paragraph.

1176 Personal information includes, but is not limited to, the
1177 requester's social security number, driver identification
1178 number, name, address, telephone number, and medical or
1179 disability information. For purposes of this paragraph,
1180 personal information does not include information relating to
1181 vehicular crashes, driving violations, and driver's status.
1182 Such request may be made only by the person who is the subject
1183 of the motor vehicle record. For purposes of this paragraph,
1184 "motor vehicle record" means any record that pertains to a motor
1185 vehicle operator's permit, motor vehicle title, motor vehicle
1186 registration, or identification card issued by the Department of
1187 Highway Safety and Motor Vehicles. Personal information
1188 contained in motor vehicle records exempted by an individual's
1189 request pursuant to this paragraph shall be released by the
1190 department for any of the following uses:

1191 1. For use in connection with matters of motor vehicle or
1192 driver safety and theft; motor vehicle emissions; motor vehicle
1193 product alterations, recalls, or advisories; performance
1194 monitoring of motor vehicles and dealers by motor vehicle
1195 manufacturers; and removal of nonowner records from the original
1196 owner records of motor vehicle manufacturers, to carry out the
1197 purposes of the Automobile Information Disclosure Act, the Motor
1198 Vehicle Information and Cost Saving Act, the National Traffic
1199 and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of
1200 1992, and the Clean Air Act.



HB 1807

2003

1201 2. For use by any government agency, including any court
 1202 or law enforcement agency, in carrying out its functions, or any
 1203 private person or entity acting on behalf of a federal, state,
 1204 or local agency in carrying out its functions.

1205 3. For use in connection with matters of motor vehicle or
 1206 driver safety and theft; motor vehicle emissions; motor vehicle
 1207 product alterations, recalls, or advisories; performance
 1208 monitoring of motor vehicles, motor vehicle parts, and dealers;
 1209 motor vehicle market research activities, including survey
 1210 research; and removal of nonowner records from the original
 1211 owner records of motor vehicle manufacturers.

1212 4. For use in the normal course of business by a
 1213 legitimate business or its agents, employees, or contractors,
 1214 but only:

1215 a. To verify the accuracy of personal information
 1216 submitted by the individual to the business or its agents,
 1217 employees, or contractors; and

1218 b. If such information as so submitted is not correct or
 1219 is no longer correct, to obtain the correct information, but
 1220 only for the purposes of preventing fraud by, pursuing legal
 1221 remedies against, or recovering on a debt or security interest
 1222 against, the individual.

1223 5. For use in connection with any civil, criminal,
 1224 administrative, or arbitral proceeding in any court or agency or
 1225 before any self-regulatory body for:

1226 a. Service of process by any certified process server,
 1227 special process server, or other person authorized to serve
 1228 process in this state.

1229 b. Investigation in anticipation of litigation by an
 1230 attorney licensed to practice law in this state or the agent of



HB 1807

2003

1231 the attorney.

1232 c. Investigation by any person in connection with any

1233 filed proceeding.

1234 d. Execution or enforcement of judgments and orders. e.

1235 Compliance with an order of any court.

1236 6. For use in research activities and for use in producing

1237 statistical reports, so long as the personal information is not

1238 published, redisclosed, or used to contact individuals.

1239 7. For use by any insurer or insurance support

1240 organization, or by a self-insured entity, or its agents,

1241 employees, or contractors, in connection with claims

1242 investigation activities, anti-fraud activities, rating, or

1243 underwriting.

1244 8. For use in providing notice to the owners of towed or

1245 impounded vehicles.

1246 9. For use by any licensed private investigative agency or

1247 licensed security service for any purpose permitted under this

1248 paragraph. Personal information obtained based on an exempt

1249 driver's record may not be provided to a client who cannot

1250 demonstrate a need based on a police report, court order, or a

1251 business or personal relationship with the subject of the

1252 investigation.

1253 10. For use by an employer or its agent or insurer to

1254 obtain or verify information relating to a holder of a

1255 commercial driver's license that is required under the

1256 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.

1257 2710 et seq.

1258 11. For use in connection with the operation of private

1259 toll transportation facilities.

1260 12. For bulk distribution for surveys, marketing, or



HB 1807

2003

1261 solicitations when the department has implemented methods and
 1262 procedures to ensure that:

1263 a. Individuals are provided an opportunity, in a clear and
 1264 conspicuous manner, to prohibit such uses; and

1265 b. The information will be used, rented, or sold solely
 1266 for bulk distribution for survey, marketing, and solicitations,
 1267 and that surveys, marketing, and solicitations will not be
 1268 directed at those individuals who have timely requested that
 1269 they not be directed at them.

1270 13. For any use if the requesting person demonstrates that
 1271 he or she has obtained the written consent of the person who is
 1272 the subject of the motor vehicle record.

1273 14. For any other use specifically authorized by state
 1274 law, if such use is related to the operation of a motor vehicle
 1275 or public safety.

1276
 1277 Personal information exempted from public disclosure according
 1278 to this paragraph may be disclosed by the Department of Highway
 1279 Safety and Motor Vehicles to an individual, firm, corporation,
 1280 or similar business entity whose primary business interest is to
 1281 resell or redisclose the personal information to persons who are
 1282 authorized to receive such information. Prior to the
 1283 department's disclosure of personal information, such
 1284 individual, firm, corporation, or similar business entity must
 1285 first enter into a contract with the department regarding the
 1286 care, custody, and control of the personal information to ensure
 1287 compliance with the federal Driver's Privacy Protection Act of
 1288 1994 and applicable state laws. An authorized recipient of
 1289 personal information contained in a motor vehicle record, except
 1290 a recipient under subparagraph 12., may contract with the



HB 1807

2003

1291 Department of Highway Safety and Motor Vehicles to resell or
 1292 redisclose the information for any use permitted under this
 1293 paragraph. However, only authorized recipients of personal
 1294 information under subparagraph 12. may resell or redisclose
 1295 personal information pursuant to subparagraph 12. Any
 1296 authorized recipient who resells or rediscloses personal
 1297 information shall maintain, for a period of 5 years, records
 1298 identifying each person or entity that receives the personal
 1299 information and the permitted purpose for which it will be used.
 1300 Such records shall be made available for inspection upon request
 1301 by the department. The department shall adopt rules to carry out
 1302 the purposes of this paragraph and the federal Driver's Privacy
 1303 Protection Act of 1994, Title XXX, Pub. L. No. 103-322. Rules
 1304 adopted by the department shall provide for the payment of
 1305 applicable fees and, prior to the disclosure of personal
 1306 information pursuant to this paragraph, shall require the
 1307 meeting of conditions by the requesting person for the purposes
 1308 of obtaining reasonable assurance concerning the identity of
 1309 such requesting person, and, to the extent required, assurance
 1310 that the use will be only as authorized or that the consent of
 1311 the person who is the subject of the personal information has
 1312 been obtained. Such conditions may include, but need not be
 1313 limited to, the making and filing of a written application in
 1314 such form and containing such information and certification
 1315 requirements as the department requires.

1316 (bb) 1. Medical history records, bank account numbers,
 1317 credit card numbers, telephone numbers, and information related
 1318 to health or property insurance furnished by an individual to
 1319 any agency pursuant to federal, state, or local housing
 1320 assistance programs are confidential and exempt from the



HB 1807

2003

1321 provisions of subsection (1) and s. 24(a), Art. I of the State
 1322 Constitution. Any other information produced or received by any
 1323 private or public entity in direct connection with federal,
 1324 state, or local housing assistance programs, unless the subject
 1325 of another federal or state exemption, is subject to subsection
 1326 (1).

1327 2. Governmental agencies or their agents are entitled to
 1328 access to the records specified in this paragraph for the
 1329 purposes of auditing federal, state, or local housing programs
 1330 or housing assistance programs. Such records may be used by an
 1331 agency, as needed, in any administrative or judicial proceeding,
 1332 provided such records are kept confidential and exempt, unless
 1333 otherwise ordered by a court.

1334 3. This paragraph is repealed effective October 2, 2003,
 1335 and must be reviewed by the Legislature before that date in
 1336 accordance with s. 119.15, the Open Government Sunset Review Act
 1337 of 1995.

1338 (cc) All personal identifying information; bank account
 1339 numbers; and debit, charge, and credit card numbers contained in
 1340 records relating to an individual's personal health or
 1341 eligibility for health-related services made or received by the
 1342 Department of Health or its service providers are confidential
 1343 and exempt from the provisions of subsection (1) and s. 24(a),
 1344 Art. I of the State Constitution, except as otherwise provided
 1345 in this paragraph. Information made confidential and exempt by
 1346 this paragraph shall be disclosed:

1347 1. With the express written consent of the individual or
 1348 the individual's legally authorized representative.

1349 2. In a medical emergency, but only to the extent
 1350 necessary to protect the health or life of the individual.



HB 1807

2003

1351 3. By court order upon a showing of good cause.

1352 4. To a health research entity, if the entity seeks the
1353 records or data pursuant to a research protocol approved by the
1354 department, maintains the records or data in accordance with the
1355 approved protocol, and enters into a purchase and data-use
1356 agreement with the department, the fee provisions of which are
1357 consistent with subsection (4) ~~paragraph (1)(a)~~. The department
1358 may deny a request for records or data if the protocol provides
1359 for intrusive follow-back contacts, has not been approved by a
1360 human studies institutional review board, does not plan for the
1361 destruction of confidential records after the research is
1362 concluded, is administratively burdensome, or does not have
1363 scientific merit. The agreement must restrict the release of
1364 any information, which would permit the identification of
1365 persons, limit the use of records or data to the approved
1366 research protocol, and prohibit any other use of the records or
1367 data. Copies of records or data issued pursuant to this
1368 subparagraph remain the property of the department.

1369

1370 This paragraph is subject to the Open Government Sunset Review
1371 Act of 1995, in accordance with s. 119.15, and shall stand
1372 repealed on October 2, 2006, unless reviewed and saved from
1373 repeal through reenactment by the Legislature.

1374 (dd) Bank account numbers and debit, charge, and credit
1375 card numbers held by an agency are exempt from subsection (1)
1376 and s. 24(a), Art. I of the State Constitution. This exemption
1377 applies to bank account numbers and debit, charge, and credit
1378 card numbers held by an agency before, on, or after the
1379 effective date of this exemption. This paragraph is subject to
1380 the Open Government Sunset Review Act of 1995 in accordance with



HB 1807

2003

1381 s. 119.15, and shall stand repealed on October 2, 2007, unless
 1382 reviewed and saved from repeal through reenactment by the
 1383 Legislature.

1384 (ee) Building plans, blueprints, schematic drawings, and
 1385 diagrams, including draft, preliminary, and final formats, which
 1386 depict the internal layout and structural elements of a
 1387 building, arena, stadium, water treatment facility, or other
 1388 structure owned or operated by an agency as defined in s.
 1389 119.011 are exempt from the provisions of subsection (1) and s.
 1390 24(a), Art. I of the State Constitution. This exemption applies
 1391 to building plans, blueprints, schematic drawings, and diagrams,
 1392 including draft, preliminary, and final formats, which depict
 1393 the internal layout and structural elements of a building,
 1394 arena, stadium, water treatment facility, or other structure
 1395 owned or operated by an agency before, on, or after the
 1396 effective date of this act. Information made exempt by this
 1397 paragraph may be disclosed to another governmental entity if
 1398 disclosure is necessary for the receiving entity to perform its
 1399 duties and responsibilities; to a licensed architect, engineer,
 1400 or contractor who is performing work on or related to the
 1401 building, arena, stadium, water treatment facility, or other
 1402 structure owned or operated by an agency; or upon a showing of
 1403 good cause before a court of competent jurisdiction. The
 1404 entities or persons receiving such information shall maintain
 1405 the exempt status of the information. This paragraph is subject
 1406 to the Open Government Sunset Review Act of 1995 in accordance
 1407 with s. 119.15, and shall stand repealed on October 2, 2007,
 1408 unless reviewed and reenacted by the Legislature.

1409 (ff)1. Until January 1, 2006, if a social security number,
 1410 made confidential and exempt pursuant to s. 119.0721 ~~119.072~~,



HB 1807

2003

1411 ~~created pursuant to s. 1, ch. 2002-256, passed during the 2002~~
1412 ~~regular legislative session,~~ or a complete bank account, debit,
1413 charge, or credit card number made exempt pursuant to s.
1414 ~~119.07(6)(dd)-(ee), created pursuant to s. 1, ch. 2002-257,~~
1415 ~~passed during the 2002 regular legislative session,~~ is or has
1416 been included in a court file, such number may be included as
1417 part of the court record available for public inspection and
1418 copying unless redaction is requested by the holder of such
1419 number, or by the holder's attorney or legal guardian, in a
1420 signed, legibly written request specifying the case name, case
1421 number, document heading, and page number. The request must be
1422 delivered by mail, facsimile, electronic transmission, or in
1423 person to the clerk of the circuit court. The clerk of the
1424 circuit court does not have a duty to inquire beyond the written
1425 request to verify the identity of a person requesting redaction.
1426 A fee may not be charged for the redaction of a social security
1427 number or a bank account, debit, charge, or credit card number
1428 pursuant to such request.

1429 2. Any person who prepares or files a document to be
1430 recorded in the official records by the county recorder as
1431 provided in chapter 28 may not include a person's social
1432 security number or complete bank account, debit, charge, or
1433 credit card number in that document unless otherwise expressly
1434 required by law. Until January 1, 2006, if a social security
1435 number or a complete bank account, debit, charge or credit card
1436 number is or has been included in a document presented to the
1437 county recorder for recording in the official records of the
1438 county, such number may be made available as part of the
1439 official record available for public inspection and copying. Any
1440 person, or his or her attorney or legal guardian, may request



HB 1807

2003

1441 that a county recorder remove from an image or copy of an
 1442 official record placed on a county recorder's publicly available
 1443 Internet website, or a publicly available Internet website used
 1444 by a county recorder to display public records outside the
 1445 office or otherwise made electronically available outside the
 1446 county recorder's office to the general public, his or her
 1447 social security number or complete bank account, debit, charge,
 1448 or credit card number contained in that official record. Such
 1449 request must be legibly written, signed by the requester, and
 1450 delivered by mail, facsimile, electronic transmission, or in
 1451 person to the county recorder. The request must specify the
 1452 identification page number of the document that contains the
 1453 number to be redacted. The county recorder does not have a duty
 1454 to inquire beyond the written request to verify the identity of
 1455 a person requesting redaction. A fee may not be charged for
 1456 redacting such numbers.

1457 3. Upon the effective date of this act, subsections (3)
 1458 and (4) of s. 119.0721 ~~119.072~~, do not apply to the clerks of
 1459 the circuit court or the county recorder with respect to court
 1460 records and official records.

1461 4. On January 1, 2006, and thereafter, the clerk of the
 1462 circuit court and the county recorder must keep complete bank
 1463 account, debit, charge, and credit card numbers exempt as
 1464 provided for in s. 119.07 (6)(dd) ~~(3)(ee)~~, and must keep social
 1465 security numbers confidential and exempt as provided for in s.
 1466 119.0721 ~~119.072~~, without any person having to request
 1467 redaction.

1468 (gg) Any videotape or video signal which, under an
 1469 agreement with an agency, is produced, made, or received by, or
 1470 is in the custody of, a federally licensed radio or television



HB 1807

2003

1471 station or its agent is exempt from this chapter.

1472 (7)~~(4)~~ Nothing in this section shall be construed to
 1473 exempt from subsection (1) a public record which was made a part
 1474 of a court file and which is not specifically closed by order of
 1475 court, except as provided in paragraphs (c), (d), (e), (k), (l),
 1476 and (o) of subsection (6) ~~(3)~~ and except information or records
 1477 which may reveal the identity of a person who is a victim of a
 1478 sexual offense as provided in paragraph (f) of subsection (6)
 1479 ~~(3)~~.

1480 ~~(5) An exemption from this section does not imply an~~
 1481 ~~exemption from or exception to s. 286.011. The exemption from~~
 1482 ~~or exception to s. 286.011 must be expressly provided.~~

1483 (8)~~(6)~~ Nothing in subsection (6) ~~(3)~~ or any other general
 1484 or special law shall limit the access of the Auditor General,
 1485 the Office of Program Policy Analysis and Government
 1486 Accountability, or any state, county, municipal, university,
 1487 board of community college, school district, or special district
 1488 internal auditor to public records when such person states in
 1489 writing that such records are needed for a properly authorized
 1490 audit, examination, or investigation. Such person shall
 1491 maintain the exempt or confidential status ~~confidentiality~~ of a
 1492 any public record ~~records~~ that is exempt or ~~are~~ confidential ~~or~~
 1493 ~~exempt~~ from the provisions of subsection (1) and shall be
 1494 subject to the same penalties as the custodian ~~eustodians~~ of
 1495 that record ~~those public records~~ for public disclosure of such
 1496 record ~~violating confidentiality~~.

1497 ~~(7)(a) Any person or organization, including the~~
 1498 ~~Department of Children and Family Services, may petition the~~
 1499 ~~court for an order making public the records of the Department~~
 1500 ~~of Children and Family Services that pertain to investigations~~



HB 1807

2003

1501 ~~of alleged abuse, neglect, abandonment, or exploitation of a~~
1502 ~~child or a vulnerable adult. The court shall determine if good~~
1503 ~~cause exists for public access to the records sought or a~~
1504 ~~portion thereof. In making this determination, the court shall~~
1505 ~~balance the best interest of the vulnerable adult or child who~~
1506 ~~is the focus of the investigation, and in the case of the child,~~
1507 ~~the interest of that child's siblings, together with the privacy~~
1508 ~~right of other persons identified in the reports against the~~
1509 ~~public interest. The public interest in access to such records~~
1510 ~~is reflected in s. 119.01(1), and includes the need for citizens~~
1511 ~~to know of and adequately evaluate the actions of the Department~~
1512 ~~of Children and Family Services and the court system in~~
1513 ~~providing vulnerable adults and children of this state with the~~
1514 ~~protections enumerated in ss. 39.001 and 415.101. However, this~~
1515 ~~subsection does not contravene ss. 39.202 and 415.107, which~~
1516 ~~protect the name of any person reporting the abuse, neglect, or~~
1517 ~~exploitation of a child or a vulnerable adult.~~

1518 ~~(b) In cases involving serious bodily injury to a child or~~
1519 ~~a vulnerable adult, the Department of Children and Family~~
1520 ~~Services may petition the court for an order for the immediate~~
1521 ~~public release of records of the department which pertain to the~~
1522 ~~protective investigation. The petition must be personally~~
1523 ~~served upon the child or vulnerable adult, the child's parents~~
1524 ~~or guardian, the legal guardian of that person, if any, and any~~
1525 ~~person named as an alleged perpetrator in the report of abuse,~~
1526 ~~neglect, abandonment, or exploitation. The court must determine~~
1527 ~~if good cause exists for the public release of the records~~
1528 ~~sought no later than 24 hours, excluding Saturdays, Sundays, and~~
1529 ~~legal holidays, after the date the department filed the petition~~
1530 ~~with the court. If the court has neither granted nor denied the~~



HB 1807

2003

1531 ~~petition within the 24-hour time period, the department may~~
1532 ~~release to the public summary information including:~~

1533 ~~1. A confirmation that an investigation has been conducted~~
1534 ~~concerning the alleged victim.~~

1535 ~~2. The dates and brief description of procedural~~
1536 ~~activities undertaken during the department's investigation.~~

1537 ~~3. The date of each judicial proceeding, a summary of each~~
1538 ~~participant's recommendations made at the judicial proceedings,~~
1539 ~~and the rulings of the court.~~

1540

1541 ~~The summary information may not include the name of, or other~~
1542 ~~identifying information with respect to, any person identified~~
1543 ~~in any investigation. In making a determination to release~~
1544 ~~confidential information, the court shall balance the best~~
1545 ~~interests of the vulnerable adult or child who is the focus of~~
1546 ~~the investigation and, in the case of the child, the interests~~
1547 ~~of that child's siblings, together with the privacy rights of~~
1548 ~~other persons identified in the reports against the public~~
1549 ~~interest for access to public records. However, this paragraph~~
1550 ~~does not contravene ss. 39.202 and 415.107, which protect the~~
1551 ~~name of any person reporting abuse, neglect, or exploitation of~~
1552 ~~a child or a vulnerable adult.~~

1553 ~~(c) When the court determines that good cause for public~~
1554 ~~access exists, the court shall direct that the department redact~~
1555 ~~the name of and other identifying information with respect to~~
1556 ~~any person identified in any protective investigation report~~
1557 ~~until such time as the court finds that there is probable cause~~
1558 ~~to believe that the person identified committed an act of~~
1559 ~~alleged abuse, neglect, or abandonment.~~

1560 ~~(9)(8)~~ The provisions of this section are not intended to



HB 1807

2003

1561 expand or limit the provisions of Rule 3.220, Florida Rules of
 1562 Criminal Procedure, regarding the right and extent of discovery
 1563 by the state or by a defendant in a criminal prosecution or in
 1564 collateral postconviction proceedings. This section may not be
 1565 used by any inmate as the basis for failing to timely litigate
 1566 any postconviction action.

1567 Section 9. Section 119.08, Florida Statutes, is repealed.

1568 Section 10. Section 119.084, Florida Statutes, is amended
 1569 to read:

1570 119.084 Definitions; copyright of data processing software
 1571 created by governmental agencies; sale price and licensing fee;
 1572 ~~access to public records; prohibited contracts.--~~

1573 (1) As used in this section, the term:

1574 ~~(a)~~ "agency" has the same meaning as in s. 119.011(2),
 1575 except that the term does not include any private agency,
 1576 person, partnership, corporation, or business entity.

1577 ~~(b) "Data processing software" means the programs and~~
 1578 ~~routines used to employ and control the capabilities of data~~
 1579 ~~processing hardware, including, but not limited to, operating~~
 1580 ~~systems, compilers, assemblers, utilities, library routines,~~
 1581 ~~maintenance routines, applications, and computer networking~~
 1582 ~~programs.~~

1583 ~~(c) "Proprietary software" means data processing software~~
 1584 ~~that is protected by copyright or trade secret laws.~~

1585 (2) Any agency is authorized to acquire and hold
 1586 copyrights for data processing software created by the agency
 1587 and to enforce its rights pertaining to such copyrights,
 1588 provided that the agency complies with the requirements of this
 1589 section.

1590 (a) Any agency that has acquired a copyright for data



HB 1807

2003

1591 processing software created by the agency may sell or license
1592 the copyrighted data processing software to any public agency or
1593 private person and may establish a price for the sale and a
1594 license fee for the use of such data processing software.
1595 Proceeds from the sale or licensing of copyrighted data
1596 processing software shall be deposited by the agency into a
1597 trust fund for the agency's appropriate use for authorized
1598 purposes. Counties, municipalities, and other political
1599 subdivisions of the state may designate how such sale and
1600 licensing proceeds are to be used. The price for the sale of
1601 and the fee for the licensing of copyrighted data processing
1602 software may be based on market considerations. However, the
1603 prices or fees for the sale or licensing of copyrighted data
1604 processing software to an individual or entity solely for
1605 application to information maintained or generated by the agency
1606 that created the copyrighted data processing software shall be
1607 determined pursuant to s. 119.07 (4) ~~(1)~~.

1608 (b) The provisions of this subsection are supplemental to,
1609 and shall not supplant or repeal, any other provision of law
1610 that authorizes an agency to acquire and hold copyrights.

1611 ~~(3) Subject to the restrictions of copyright and trade~~
1612 ~~secret laws and public records exemptions, agency use of~~
1613 ~~proprietary software must not diminish the right of the public~~
1614 ~~to inspect and copy a public record.~~

1615 ~~(4) An agency must consider when designing or acquiring an~~
1616 ~~electronic recordkeeping system that such system is capable of~~
1617 ~~providing data in some common format such as, but not limited~~
1618 ~~to, the American Standard Code for Information Interchange.~~

1619 ~~(5) Each agency that maintains a public record in an~~
1620 ~~electronic recordkeeping system shall provide to any person,~~



HB 1807

2003

1621 ~~pursuant to this chapter, a copy of any public record in that~~
1622 ~~system which is not exempted by law from public disclosure. An~~
1623 ~~agency must provide a copy of the record in the medium requested~~
1624 ~~if the agency maintains the record in that medium, and the~~
1625 ~~agency may charge a fee which shall be in accordance with this~~
1626 ~~chapter. For the purpose of satisfying a public records request,~~
1627 ~~the fee to be charged by an agency if it elects to provide a~~
1628 ~~copy of a public record in a medium not routinely used by the~~
1629 ~~agency, or if it elects to compile information not routinely~~
1630 ~~developed or maintained by the agency or that requires a~~
1631 ~~substantial amount of manipulation or programming, must be in~~
1632 ~~accordance with s. 119.07(1)(b).~~

1633 ~~(6) An agency may not enter into a contract for the~~
1634 ~~creation or maintenance of a public records database if that~~
1635 ~~contract impairs the ability of the public to inspect or copy~~
1636 ~~the public records of that agency, including public records that~~
1637 ~~are on-line or stored in an electronic recordkeeping system used~~
1638 ~~by the agency. Such contract may not allow any impediment that~~
1639 ~~as a practical matter makes it more difficult for the public to~~
1640 ~~inspect or copy the records than to inspect or copy the agency's~~
1641 ~~records. The fees and costs for the production of such records~~
1642 ~~may not be more than the fees or costs charged by the agency.~~

1643 ~~(3)(7)~~ This section is subject to the Open Government
1644 Sunset Review Act of 1995 in accordance with s. 119.15 and shall
1645 stand repealed on October 2, 2006, unless reviewed and saved
1646 from repeal through reenactment by the Legislature.

1647 Section 11. Sections 119.085 and 119.09, Florida Statutes,
1648 are repealed.

1649 Section 12. Section 119.10, Florida Statutes, is amended
1650 to read:



HB 1807

2003

1651 119.10 Violation of chapter; penalties.--

1652 (1) Any public officer who violates any provision of this
 1653 chapter is guilty of a noncriminal infraction, punishable by
 1654 fine not exceeding \$500.

1655 (2) Any person who willfully and knowingly violates:
 1656 ~~violating~~

1657 (a) Any of the provisions of this chapter commits is
 1658 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 1659 provided in s. 775.082 or s. 775.083.

1660 (b)(3) Section ~~Any person who willfully and knowingly~~
 1661 ~~violates s.~~ 119.105 commits a felony of the third degree,
 1662 punishable as provided in s. 775.082, s. 775.083, or s.775.084.

1663 Section 13. Section 119.105, Florida Statutes, is amended
 1664 to read:

1665 119.105 Protection of victims of crimes or
 1666 accidents.--Police reports are public records except as
 1667 otherwise made exempt or confidential ~~by general or special law.~~

1668 Every person is allowed to examine nonexempt or nonconfidential
 1669 police reports. No person who inspects or copies police reports
 1670 for the purpose of obtaining the names and addresses of the
 1671 victims of crimes or accidents shall use any information
 1672 contained therein for any commercial solicitation of the victims
 1673 or relatives of the victims of the reported crimes or accidents.

1674 Nothing herein shall prohibit the publication of such
 1675 information by any news media or the use of such information for
 1676 any other data collection or analysis purposes.

1677 Section 14. Paragraph (a) of subsection (1) of section
 1678 120.55, Florida Statutes, is amended to read:

1679 120.55 Publication.--

1680 (1) The Department of State shall:



HB 1807

2003

1681 (a)1. Through a continuous revision system, compile and
1682 publish the "Florida Administrative Code." The Florida
1683 Administrative Code shall contain ~~Publish in a permanent~~
1684 ~~compilation entitled "Florida Administrative Code"~~ all rules
1685 adopted by each agency, citing the specific rulemaking authority
1686 pursuant to which each rule was adopted, all history notes as
1687 authorized in s. 120.545(9), and complete indexes to all rules
1688 contained in the code. Supplementation shall be made as often
1689 as practicable, but at least monthly. The department may
1690 contract with a publishing firm for the publication, in a timely
1691 and useful form, of the Florida Administrative Code; however,
1692 the department shall retain responsibility for the code as
1693 provided in this section. This publication shall be the
1694 official compilation of the administrative rules of this state.

1695 The Department of State shall retain the copyright over the
1696 Florida Administrative Code.

1697 2. Rules general in form but applicable to only one school
1698 district, community college district, or county, or a part
1699 thereof, or state university rules relating to internal
1700 personnel or business and finance shall not be published in the
1701 Florida Administrative Code. Exclusion from publication in the
1702 Florida Administrative Code shall not affect the validity or
1703 effectiveness of such rules.

1704 3. At the beginning of the section of the code dealing
1705 with an agency that files copies of its rules with the
1706 department, the department shall publish the address and
1707 telephone number of the executive offices of each agency, the
1708 manner by which the agency indexes its rules, a listing of all
1709 rules of that agency excluded from publication in the code, and
1710 a statement as to where those rules may be inspected.



HB 1807

2003

1711 4. Forms shall not be published in the Florida
1712 Administrative Code; but any form which an agency uses in its
1713 dealings with the public, along with any accompanying
1714 instructions, shall be filed with the committee before it is
1715 used. Any form or instruction which meets the definition of
1716 "rule" provided in s. 120.52 shall be incorporated by reference
1717 into the appropriate rule. The reference shall specifically
1718 state that the form is being incorporated by reference and shall
1719 include the number, title, and effective date of the form and an
1720 explanation of how the form may be obtained.

1721 Section 15. Paragraph (b) of subsection (2) of section
1722 257.36, Florida Statutes, is amended to read:

1723 257.36 Records and information management.--

1724 (2)

1725 (b) Title to any record detained in any records center
1726 shall remain in the agency transferring such record to the
1727 division. When the Legislature transfers any duty or
1728 responsibility of an agency to another agency, the receiving
1729 agency shall be the custodian of public records with regard to
1730 the public records associated with that transferred duty or
1731 responsibility and shall be responsible for the records storage
1732 service charges of the division. If an agency is dissolved and
1733 the legislation dissolving that agency does not assign an
1734 existing agency as the custodian of public records for the
1735 dissolved agency's records, then the Cabinet is the custodian of
1736 public records for the dissolved agency, unless the Cabinet
1737 otherwise designates a custodian. The Cabinet or the agency
1738 designated by the Cabinet shall be responsible for the records
1739 storage service charges of the division.

1740 Section 16. Subsection (5) of section 328.15, Florida



HB 1807

2003

1741 Statutes, is amended to read:

1742 328.15 Notice of lien on vessel; recording.--

1743 (5) The Department of Highway Safety and Motor Vehicles
 1744 shall make such rules and regulations as it deems necessary or
 1745 proper for the effective administration of this law. The
 1746 department may by rule require that a notice of satisfaction of
 1747 a lien be notarized. The department shall prepare the forms of
 1748 the notice of lien and the satisfaction of lien to be supplied,
 1749 at a charge not to exceed 50 percent more than cost, to
 1750 applicants for recording the liens or satisfactions and shall
 1751 keep a ~~permanent~~ record of such notices of lien and
 1752 satisfactions available for inspection by the public at all
 1753 reasonable times. The division is authorized to furnish
 1754 certified copies of such satisfactions for a fee of \$1, which
 1755 certified copies shall be admissible in evidence in all courts
 1756 of this state under the same conditions and to the same effect
 1757 as certified copies of other public records.

1758 Section 17. Subsection (4) of section 372.5717, Florida
 1759 Statutes, is amended to read:

1760 372.5717 Hunter safety course; requirements; penalty.--

1761 (4) The commission shall issue a permanent hunter safety
 1762 certification card to each person who successfully completes the
 1763 hunter safety course. The commission shall maintain ~~permanent~~
 1764 records of hunter safety certification cards issued and shall
 1765 establish procedures for replacing lost or destroyed cards.

1766 Section 18. Section 415.1071, Florida Statutes, is created
 1767 to read:

1768 415.1071 Release of confidential information.--

1769 (1) Any person or organization, including the Department
 1770 of Children and Family Services, may petition the court for an



HB 1807

2003

1771 order making public the records of the Department of Children
1772 and Family Services that pertain to investigations of alleged
1773 abuse, neglect, or exploitation of a vulnerable adult. The court
1774 shall determine whether good cause exists for public access to
1775 the records sought or a portion thereof. In making this
1776 determination, the court shall balance the best interest of the
1777 vulnerable adult who is the focus of the investigation, together
1778 with the privacy right of other persons identified in the
1779 reports, against the public interest. The public interest in
1780 access to such records is reflected in s. 119.01(1) and includes
1781 the need for citizens to know of and adequately evaluate the
1782 actions of the Department of Children and Family Services and
1783 the court system in providing vulnerable adults of this state
1784 with the protections enumerated in s. 415.101. However, this
1785 subsection does not contravene s. 415.107, which protects the
1786 name of any person reporting the abuse, neglect, or exploitation
1787 of a vulnerable adult.

1788 (2) In cases involving serious bodily injury to a
1789 vulnerable adult, the Department of Children and Family Services
1790 may petition the court for an order for the immediate public
1791 release of records of the department which pertain to the
1792 protective investigation. The petition must be personally served
1793 upon the vulnerable adult, the legal guardian of that person, if
1794 any, and any person named as an alleged perpetrator in the
1795 report of abuse, neglect, or exploitation. The court must
1796 determine whether good cause exists for the public release of
1797 the records sought no later than 24 hours, excluding Saturdays,
1798 Sundays, and legal holidays, after the date the department filed
1799 the petition with the court. If the court has neither granted
1800 nor denied the petition within the 24-hour time period, the



HB 1807

2003

1801 department may release to the public summary information
1802 including:

1803 (a) A confirmation that an investigation has been
1804 conducted concerning the alleged victim.

1805 (b) The dates and brief description of procedural
1806 activities undertaken during the department's investigation.

1807 (c) The date of each judicial proceeding, a summary of
1808 each participant's recommendations made at the judicial
1809 proceeding, and the ruling of the court.

1810
1811 The summary information may not include the name of, or other
1812 identifying information with respect to, any person identified
1813 in any investigation. In making a determination to release
1814 confidential information, the court shall balance the best
1815 interests of the vulnerable adult who is the focus of the
1816 investigation, together with the privacy rights of other persons
1817 identified in the reports, against the public interest for
1818 access to public records. However, this subsection does not
1819 contravene s. 415.107, which protects the name of any person
1820 reporting abuse, neglect, or exploitation of a vulnerable adult.

1821 (3) When the court determines that good cause for public
1822 access exists, the court shall direct that the department redact
1823 the name of and other identifying information with respect to
1824 any person identified in any protective investigation report
1825 until such time as the court finds that there is probable cause
1826 to believe that the person identified committed an act of
1827 alleged abuse, neglect, or exploitation.

1828 Section 19. Subsection (2) of section 560.121, Florida
1829 Statutes, is amended to read:

1830 560.121 Records; limited restrictions upon public access.--



HB 1807

2003

1831 (2) Examination reports, investigatory records,
 1832 applications, and related information compiled by the
 1833 department, or photographic copies thereof, shall be retained by
 1834 the department for a period of at least 3 ~~10~~ years from the date
 1835 that the examination or investigation ceases to be active.

1836 Application records and related information compiled by the
 1837 department, or photographic copies thereof, shall be retained by
 1838 the department for a period of at least 2 years from the date
 1839 that the registration ceases to be active.

1840 Section 20. Subsection (6) of section 560.123, Florida
 1841 Statutes, is amended to read:

1842 560.123 Florida control of money laundering in the Money
 1843 Transmitters' Code; reports of transactions involving currency
 1844 or monetary instruments; when required; purpose; definitions;
 1845 penalties; corpus delicti.--

1846 (6) The department must retain a copy of all reports
 1847 received under subsection (5) for a minimum of 3 ~~5~~ calendar
 1848 years after receipt of the report. However, if a report or
 1849 information contained in a report is known by the department to
 1850 be the subject of an existing criminal proceeding, the report
 1851 must be retained for a minimum of 10 calendar years from the
 1852 date of receipt.

1853 Section 21. Subsection (5) of section 560.129, Florida
 1854 Statutes, is amended to read:

1855 560.129 Confidentiality.--

1856 (5) Examination reports, investigatory records,
 1857 applications, and related information compiled by the
 1858 department, or photographic copies thereof, shall be retained by
 1859 the department for a period of at least 3 ~~10~~ years from the date
 1860 that the examination or investigation ceases to be active.



HB 1807

2003

1861 Application records and related information compiled by the
1862 department, or photographic copies thereof, shall be retained by
1863 the department for a period of at least 2 years from the date
1864 that the registration ceases to be active.

1865 Section 22. Subsection (3) of section 624.311, Florida
1866 Statutes, is amended to read:

1867 624.311 Records; reproductions; destruction.--

1868 (3) The department may photograph, microphotograph, or
1869 reproduce on film, or maintain in an electronic recordkeeping
1870 system ~~whereby each page will be reproduced in exact conformity~~
1871 ~~with the original~~, all financial records, financial statements
1872 of domestic insurers, reports of business transacted in this
1873 state by foreign insurers and alien insurers, reports of
1874 examination of domestic insurers, and such other records and
1875 documents on file in its office as it may in its discretion
1876 select.

1877 Section 23. Subsection (1) of section 624.312, Florida
1878 Statutes, is amended to read:

1879 624.312 Reproductions and certified copies of records as
1880 evidence.--

1881 (1) Photographs or microphotographs in the form of film or
1882 prints, or other reproductions from an electronic recordkeeping
1883 system, of documents and records made under s. 624.311(3), or
1884 made under former s. 624.311(3) before October 1, 1982, shall
1885 have the same force and effect as the originals thereof and
1886 shall be treated as originals for the purpose of their
1887 admissibility in evidence. Duly certified or authenticated
1888 reproductions of such photographs or microphotographs or
1889 reproductions from an electronic recordkeeping system shall be
1890 as admissible in evidence as the originals.



HB 1807

2003

1891 Section 24. Subsection (2) of section 633.527, Florida
 1892 Statutes, is amended to read:

1893 633.527 Records concerning applicant; extent of
 1894 confidentiality.--

1895 (2) All examination test questions, answer sheets, and
 1896 grades shall be retained for a period of 2 5 years from the date
 1897 of the examination.

1898 Section 25. Subsection (8) of section 655.50, Florida
 1899 Statutes, is amended to read:

1900 655.50 Florida Control of Money Laundering in Financial
 1901 Institutions Act; reports of transactions involving currency or
 1902 monetary instruments; when required; purpose; definitions;
 1903 penalties.--

1904 ~~(8)(a) The department shall retain a copy of all reports~~
 1905 ~~received under subsection (4) for a minimum of 5 calendar years~~
 1906 ~~after receipt of the report. However, if a report or~~
 1907 ~~information contained in a report is known by the department to~~
 1908 ~~be the subject of an existing criminal proceeding, the report~~
 1909 ~~shall be retained for a minimum of 10 calendar years after~~
 1910 ~~receipt of the report.~~

1911 (a)(b) Each financial institution shall maintain for a
 1912 minimum of 5 calendar years full and complete records of all
 1913 financial transactions, including all records required by 31
 1914 C.F.R. parts 103.33 and 103.34.

1915 (b)(e) The financial institution shall retain a copy of
 1916 all reports filed with the department under subsection (4) for a
 1917 minimum of 5 calendar years after submission of the report.
 1918 ~~However, if a report or information contained in a report is~~
 1919 ~~known by the financial institution to be the subject of an~~
 1920 ~~existing criminal proceeding, the report shall be retained for a~~



HB 1807

2003

1921 ~~minimum of 10 calendar years after submission of the report.~~

1922 (c)(d) The financial institution shall retain a copy of
 1923 all records of exemption for each designation of exempt person
 1924 made pursuant to subsection (6) for a minimum of 5 calendar
 1925 years after termination of exempt status of such customer.
 1926 ~~However, if it is known by the financial institution that the~~
 1927 ~~customer or the transactions of the customer are the subject of~~
 1928 ~~an existing criminal proceeding, the records shall be retained~~
 1929 ~~for a minimum of 10 calendar years after termination of exempt~~
 1930 ~~status of such customer.~~

1931 Section 26. Section 945.25, Florida Statutes, is amended
 1932 to read:

1933 945.25 Records.--

1934 (1) It shall be the duty of the Department of Corrections
 1935 to obtain and place in its ~~permanent~~ records information as
 1936 complete as practicable ~~may be practicably available~~ on every
 1937 person who may be sentenced to supervision or incarceration
 1938 under the jurisdiction of the department ~~become subject to~~
 1939 ~~parole~~. Such information shall be obtained as soon as possible
 1940 after imposition of sentence and shall, in the discretion of the
 1941 department, include, among other things:

1942 (a) A copy of the indictment or information and a complete
 1943 statement of the facts of the crime for which such person has
 1944 been sentenced.

1945 (b) The court in which the person was sentenced.

1946 (c) The terms of the sentence.

1947 (d) The name of the presiding judge, the prosecuting
 1948 officers, the investigating officers, and the attorneys for the
 1949 person convicted.

1950 (e) A copy of all probation reports which may have been



HB 1807

2003

1951 made.

1952 (f) Any social, physical, mental, psychiatric, or criminal
 1953 record of such person.

1954 (2) ~~The department, in its discretion, shall also obtain~~
 1955 ~~and place in its permanent records such information on every~~
 1956 ~~person who may be placed on probation, and on every person who~~
 1957 ~~may become subject to pardon and commutation of sentence.~~

1958 (3) It shall be the duty of the court and its prosecuting
 1959 officials to furnish to the department upon its request such
 1960 information and also to furnish such copies of such minutes and
 1961 other records as may be in their possession or under their
 1962 control.

1963 (3)(4) Following the initial hearing provided for in s.
 1964 947.172(1), the commission shall prepare and the department
 1965 shall include in the official record a copy of the seriousness-
 1966 of-offense and favorable-parole-outcome scores and shall include
 1967 a listing of the specific factors and information used in
 1968 establishing a presumptive parole release date for the inmate.

1969 Section 27. Paragraph (e) of subsection (4) of section
 1970 985.31, Florida Statutes, is amended to read:

1971 985.31 Serious or habitual juvenile offender.--

1972 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

1973 (e) The results of any serologic blood or urine test on a
 1974 serious or habitual juvenile offender shall become a part of
 1975 that child's ~~permanent~~ medical file. Upon transfer of the child
 1976 to any other designated treatment facility, such file shall be
 1977 transferred in an envelope marked confidential. The results of
 1978 any test designed to identify the human immunodeficiency virus,
 1979 or its antigen or antibody, shall be accessible only to persons
 1980 designated by rule of the department. The provisions of such



HB 1807

2003

1981 rule shall be consistent with the guidelines established by the
 1982 Centers for Disease Control and Prevention.

1983 Section 28. Paragraph (d) of subsection (6) of section
 1984 212.095, Florida Statutes, is amended to read:

1985 212.095 Refunds.--

1986 (6)

1987 ~~(d) The department shall keep a permanent record of the~~
 1988 ~~amount of refund claimed and paid to each claimant. Such records~~
 1989 ~~shall be open to public inspection.~~

1990 Section 29. Subsection (9) of section 238.03, Florida
 1991 Statutes, is amended to read:

1992 238.03 Administration.--

1993 ~~(9) The department is authorized to photograph and reduce~~
 1994 ~~to microfilm as a permanent record, its ledger sheets showing~~
 1995 ~~the salary and contributions of members of the retirement~~
 1996 ~~system, also the records of deceased members of the system and~~
 1997 ~~thereupon to destroy the documents from which such films are~~
 1998 ~~photographed.~~

1999 Section 30. Paragraph (a) of subsection (5) of section
 2000 15.09, Florida Statutes, is amended to read:

2001 15.09 Fees.--

2002 (5)(a) There is created within the Department of State a
 2003 Public Access Data Systems Trust Fund, which shall be used by
 2004 the department to purchase information systems and equipment
 2005 that provide greater public accessibility to the information and
 2006 records maintained by it. Notwithstanding any other provision of
 2007 law, the Divisions of Licensing, Elections, and Corporations of
 2008 the department shall transfer each fiscal year to the Public
 2009 Access Data Systems Trust Fund from their respective trust
 2010 funds:



HB 1807

2003

2011 1. An amount equal to 2 percent of all revenues received
 2012 for the processing of documents, filings, or information
 2013 requests.

2014 2. All public access network revenues collected pursuant
 2015 to s. 15.16 or s. 119.01(2)(f) ~~119.085~~.

2016 Section 31. Paragraph (f) of subsection (1) of section
 2017 23.22, Florida Statutes, is amended to read:

2018 23.22 Paperwork reduction; activities of departments.--

2019 (1) In order to reduce the amount of paperwork associated
 2020 with the collection of information from individuals, private-
 2021 sector organizations, and local governments and to provide more
 2022 efficient and effective assistance to such individuals and
 2023 organizations in completing necessary paperwork required by the
 2024 government, each department head shall, to the extent feasible:

2025 (f) Collaborate with the Division of Library and
 2026 Information Services, pursuant to s. 119.021(2)(d) ~~119.09~~, to
 2027 identify and index records retention requirements placed on
 2028 private-sector organizations and local governments in Florida,
 2029 clarify and reduce the requirements, and educate the affected
 2030 entities through various communications media, including voice,
 2031 data, video, radio, and image.

2032 Section 32. Subsection (2) of section 27.151, Florida
 2033 Statutes, is amended to read:

2034 27.151 Confidentiality of specified executive orders;
 2035 criteria.--

2036 (2) The Governor shall consider the purposes specified in
 2037 s. 119.15 and the provisions of s. 24, Art. I of the State
 2038 Constitution when making ~~base his or her decision to make an~~
 2039 ~~executive order confidential on the criteria set forth in s.~~
 2040 ~~119.14.~~



HB 1807

2003

2041 Section 33. Paragraph (d) of subsection (1) of section
 2042 101.5607, Florida Statutes, is amended to read:

2043 101.5607 Department of State to maintain voting system
 2044 information; prepare software.--

2045 (1)

2046 (d) Section 119.07(6)~~(3)~~(o) applies to all software on
 2047 file with the Department of State.

2048 Section 34. Paragraph (b) of subsection (2) of section
 2049 112.533, Florida Statutes, is amended to read:

2050 112.533 Receipt and processing of complaints.--

2051 (2)

2052 (b) This subsection does not apply to any public record
 2053 which is exempt from public disclosure pursuant to s.

2054 119.07(6)~~(3)~~. For the purposes of this subsection, an
 2055 investigation shall be considered active as long as it is
 2056 continuing with a reasonable, good faith anticipation that an
 2057 administrative finding will be made in the foreseeable future.
 2058 An investigation shall be presumed to be inactive if no finding
 2059 is made within 45 days after the complaint is filed.

2060 Section 35. Paragraph (e) of subsection (2) of section
 2061 1012.31, Florida Statutes, is amended to read:

2062 1012.31 Personnel files.--Public school system employee
 2063 personnel files shall be maintained according to the following
 2064 provisions:

2065 (2)

2066 (e) Upon request, an employee, or any person designated in
 2067 writing by the employee, shall be permitted to examine the
 2068 personnel file of such employee. The employee shall be
 2069 permitted conveniently to reproduce any materials in the file,
 2070 at a cost no greater than the fees prescribed in s.



HB 1807

2003

2071 119.07(4)~~(1)~~.

2072 Section 36. Subsection (1) of section 257.34, Florida
2073 Statutes, is amended to read:

2074 257.34 Florida International Archive and Repository.--

2075 (1) There is created within the Division of Library and
2076 Information Services of the Department of State the Florida
2077 International Archive and Repository for the preservation of
2078 those public records, as defined in s. 119.011~~(11)~~~~(1)~~,
2079 manuscripts, international judgments involving disputes between
2080 domestic and foreign businesses, and all other public matters
2081 that the department or the Florida Council of International
2082 Development deems relevant to international issues. It is the
2083 duty and responsibility of the division to:

2084 (a) Organize and administer the Florida International
2085 Archive and Repository.

2086 (b) Preserve and administer records that are transferred
2087 to its custody; accept, arrange, and preserve them, according to
2088 approved archival and repository practices; and permit them, at
2089 reasonable times and under the supervision of the division, to
2090 be inspected, examined, and copied. All public records
2091 transferred to the custody of the division are subject to the
2092 provisions of s. 119.07(1).

2093 (c) Assist the records and information management program
2094 in the determination of retention values for records.

2095 (d) Cooperate with and assist, insofar as practicable,
2096 state institutions, departments, agencies, counties,
2097 municipalities, and individuals engaged in internationally
2098 related activities.

2099 (e) Provide a public research room where, under rules
2100 established by the division, the materials in the international



HB 1807

2003

2101 archive and repository may be studied.

2102 (f) Conduct, promote, and encourage research in
 2103 international trade, government, and culture and maintain a
 2104 program of information, assistance, coordination, and guidance
 2105 for public officials, educational institutions, libraries, the
 2106 scholarly community, and the general public engaged in such
 2107 research.

2108 (g) Cooperate with and, insofar as practicable, assist
 2109 agencies, libraries, institutions, and individuals in projects
 2110 concerned with internationally related issues and preserve
 2111 original materials relating to internationally related issues.

2112 (h) Assist and cooperate with the records and information
 2113 management program in the training and information program
 2114 described in s. 257.36(1)(g).

2115 Section 37. Subsection (1) of section 257.35, Florida
 2116 Statutes, is amended to read:

2117 257.35 Florida State Archives.--

2118 (1) There is created within the Division of Library and
 2119 Information Services of the Department of State the Florida
 2120 State Archives for the preservation of those public records, as
 2121 defined in s. 119.011(11)(~~1~~), manuscripts, and other archival
 2122 material that have been determined by the division to have
 2123 sufficient historical or other value to warrant their continued
 2124 preservation and have been accepted by the division for deposit
 2125 in its custody. It is the duty and responsibility of the
 2126 division to:

2127 (a) Organize and administer the Florida State Archives.

2128 (b) Preserve and administer such records as shall be
 2129 transferred to its custody; accept, arrange, and preserve them,
 2130 according to approved archival practices; and permit them, at



HB 1807

2003

2131 reasonable times and under the supervision of the division, to
2132 be inspected, examined, and copied. All public records
2133 transferred to the custody of the division shall be subject to
2134 the provisions of s. 119.07(1), except that any public record or
2135 other record provided by law to be confidential or prohibited
2136 from inspection by the public shall be made accessible only
2137 after a period of 50 years from the date of the creation of the
2138 record. Any nonpublic manuscript or other archival material
2139 which is placed in the keeping of the division under special
2140 terms and conditions, shall be made accessible only in
2141 accordance with such law terms and conditions and shall be
2142 exempt from the provisions of s. 119.07(1) to the extent
2143 necessary to meet the terms and conditions for a nonpublic
2144 manuscript or other archival material.

2145 (c) Assist the records and information management program
2146 in the determination of retention values for records.

2147 (d) Cooperate with and assist insofar as practicable state
2148 institutions, departments, agencies, counties, municipalities,
2149 and individuals engaged in activities in the field of state
2150 archives, manuscripts, and history and accept from any person
2151 any paper, book, record, or similar material which in the
2152 judgment of the division warrants preservation in the state
2153 archives.

2154 (e) Provide a public research room where, under rules
2155 established by the division, the materials in the state archives
2156 may be studied.

2157 (f) Conduct, promote, and encourage research in Florida
2158 history, government, and culture and maintain a program of
2159 information, assistance, coordination, and guidance for public
2160 officials, educational institutions, libraries, the scholarly



HB 1807

2003

2161 community, and the general public engaged in such research.

2162 (g) Cooperate with and, insofar as practicable, assist
 2163 agencies, libraries, institutions, and individuals in projects
 2164 designed to preserve original source materials relating to
 2165 Florida history, government, and culture and prepare and publish
 2166 handbooks, guides, indexes, and other literature directed toward
 2167 encouraging the preservation and use of the state's documentary
 2168 resources.

2169 (h) Encourage and initiate efforts to preserve, collect,
 2170 process, transcribe, index, and research the oral history of
 2171 Florida government.

2172 (i) Assist and cooperate with the records and information
 2173 management program in the training and information program
 2174 described in s. 257.36(1)(g).

2175 Section 38. Section 282.21, Florida Statutes, is amended
 2176 to read:

2177 282.21 The State Technology Office's electronic access
 2178 services.--The State Technology Office may collect fees for
 2179 providing remote electronic access pursuant to s. 119.01(2)(f)
 2180 ~~119.085~~. The fees may be imposed on individual transactions or
 2181 as a fixed subscription for a designated period of time. All
 2182 fees collected under this section shall be deposited in the
 2183 appropriate trust fund of the program or activity that made the
 2184 remote electronic access available.

2185 Section 39. Paragraph (h) of subsection (2) of section
 2186 287.0943, Florida Statutes, is amended to read:

2187 287.0943 Certification of minority business enterprises.--

2188 (2)

2189 (h) The certification procedures should allow an applicant
 2190 seeking certification to designate on the application form the



HB 1807

2003

2191 information the applicant considers to be proprietary,
 2192 confidential business information. As used in this paragraph,
 2193 "proprietary, confidential business information" includes, but
 2194 is not limited to, any information that would be exempt from
 2195 public inspection pursuant to the provisions of s. 119.07(6)~~(3)~~;
 2196 trade secrets; internal auditing controls and reports; contract
 2197 costs; or other information the disclosure of which would injure
 2198 the affected party in the marketplace or otherwise violate s.
 2199 286.041. The executor in receipt of the application shall issue
 2200 written and final notice of any information for which
 2201 noninspection is requested but not provided for by law.

2202 Section 40. Subsection (1) of section 320.05, Florida
 2203 Statutes, is amended to read:

2204 320.05 Records of the department; inspection procedure;
 2205 lists and searches; fees.--

2206 (1) Except as provided in ss. 119.07(6)~~(3)~~ and 320.025(3),
 2207 the department may release records as provided in this section.

2208 Section 41. Subsection (8) of section 322.20, Florida
 2209 Statutes, is amended to read:

2210 322.20 Records of the department; fees; destruction of
 2211 records.--

2212 (8) Except as provided in s. 119.07(6)~~(3)~~, the department
 2213 may release records as provided in this section.

2214 Section 42. Paragraph (b) of subsection (2) of section
 2215 338.223, Florida Statutes, is amended to read:

2216 338.223 Proposed turnpike projects.--

2217 (2)

2218 (b) In accordance with the legislative intent expressed in
 2219 s. 337.273, and after the requirements of paragraph (1)(c) have
 2220 been met, the department may acquire lands and property before



HB 1807

2003

2221 making a final determination of the economic feasibility of a
 2222 project. The requirements of paragraph (1)(c) do not apply to
 2223 hardship and protective purchases of advance right-of-way by
 2224 the department. The cost of advance acquisition of right-of-way
 2225 may be paid from bonds issued under s. 337.276 or from turnpike
 2226 revenues. For purposes of this paragraph, the term "hardship
 2227 purchase" means purchase from a property owner of a residential
 2228 dwelling of not more than four units who is at a disadvantage
 2229 due to health impairment, job loss, or significant loss of
 2230 rental income. For purposes of this paragraph, the term
 2231 "protective purchase" means that a purchase to limit
 2232 development, building, or other intensification of land uses
 2233 within the area right-of-way is needed for transportation
 2234 facilities. The department shall give written notice to the
 2235 Department of Environmental Protection 30 days before final
 2236 agency acceptance as set forth in s. 119.07(6)(~~3~~)(n), which
 2237 notice shall allow the Department of Environmental Protection to
 2238 comment. Hardship and protective purchases of right-of-way
 2239 shall not influence the environmental feasibility of a project,
 2240 including the decision relative to the need to construct the
 2241 project or the selection of a specific location. Costs to
 2242 acquire and dispose of property acquired as hardship and
 2243 protective purchases are considered costs of doing business for
 2244 the department and are not to be considered in the determination
 2245 of environmental feasibility for the project.

2246 Section 43. Paragraph (a) of subsection (1) of section
 2247 378.406, Florida Statutes, is amended to read:

2248 378.406 Confidentiality of records; availability of
 2249 information.--

2250 (1)(a) Any information relating to prospecting, rock



HB 1807

2003

2251 grades, or secret processes or methods of operation which may be
 2252 required, ascertained, or discovered by inspection or
 2253 investigation shall be exempt from the provisions of s.
 2254 119.07(1), shall not be disclosed in public hearings, and shall
 2255 be kept confidential by any member, officer, or employee of the
 2256 department, if the applicant requests the department to keep
 2257 such information confidential and informs the department of the
 2258 basis for such confidentiality. Should the secretary determine
 2259 that such information requested to be kept confidential shall
 2260 not be kept confidential, the secretary shall provide the
 2261 operator with not less than 30 days' notice of his or her intent
 2262 to release the information. When making his or her
 2263 determination, the secretary shall consider the public purposes
 2264 specified in s. 119.15 ~~119.14~~(4)(b).

2265 Section 44. Paragraph (c) of subsection (1) of section
 2266 400.0077, Florida Statutes, is amended to read:

2267 400.0077 Confidentiality.--

2268 (1) The following are confidential and exempt from the
 2269 provisions of s. 119.07(1):

2270 (c) Any other information about a complaint, including any
 2271 problem identified by an ombudsman council as a result of an
 2272 investigation, unless an ombudsman council determines that the
 2273 information does not meet any of the criteria specified in s.
 2274 119.15 ~~119.14~~(4)(b); or unless the information is to collect
 2275 data for submission to those entities specified in s. 712(c) of
 2276 the federal Older Americans Act for the purpose of identifying
 2277 and resolving significant problems.

2278 Section 45. Subsection (5) of section 401.27, Florida
 2279 Statutes, is amended to read:

2280 401.27 Personnel; standards and certification.--



HB 1807

2003

2281 (5) The certification examination must be offered monthly.
 2282 The department shall issue an examination admission notice to
 2283 the applicant advising him or her of the time and place of the
 2284 examination for which he or she is scheduled. Individuals
 2285 achieving a passing score on the certification examination may
 2286 be issued a temporary certificate with their examination grade
 2287 report. The department must issue an original certification
 2288 within 45 days after the examination. Examination questions and
 2289 answers are not subject to discovery but may be introduced into
 2290 evidence and considered only in camera in any administrative
 2291 proceeding under chapter 120. If an administrative hearing is
 2292 held, the department shall provide challenged examination
 2293 questions and answers to the administrative law judge. The
 2294 department shall establish by rule the procedure by which an
 2295 applicant, and the applicant's attorney, may review examination
 2296 questions and answers in accordance with s. 119.07(6)~~(3)~~(a).

2297 Section 46. Subsection (1) of section 403.111, Florida
 2298 Statutes, is amended to read:

2299 403.111 Confidential records.--

2300 (1) Any information, other than effluent data and those
 2301 records described in 42 U.S.C. s. 7661a(b)(8), relating to
 2302 secret processes or secret methods of manufacture or production,
 2303 or relating to costs of production, profits, or other financial
 2304 information which is otherwise not public record, which may be
 2305 required, ascertained, or discovered by inspection or
 2306 investigation shall be exempt from the provisions of s.
 2307 119.07(1), shall not be disclosed in public hearings, and shall
 2308 be kept confidential by any member, officer, or employee of the
 2309 department, upon a showing satisfactory to the department that
 2310 the information should be kept confidential. The person from



HB 1807

2003

2311 | whom the information is obtained must request that the
 2312 | department keep such information confidential and must inform
 2313 | the department of the basis for the claim of confidentiality.
 2314 | The department shall, subject to notice and opportunity for
 2315 | hearing, determine whether the information requested to be kept
 2316 | confidential should or should not be kept confidential. The
 2317 | department shall determine whether the information submitted
 2318 | should be kept confidential pursuant to the public purpose test
 2319 | as stated in s. 119.15 ~~119.14~~(4)(b)3.

2320 | Section 47. Section 409.2577, Florida Statutes, is
 2321 | amended to read:

2322 | 409.2577 Parent locator service.--The department shall
 2323 | establish a parent locator service to assist in locating parents
 2324 | who have deserted their children and other persons liable for
 2325 | support of dependent children. The department shall use all
 2326 | sources of information available, including the Federal Parent
 2327 | Locator Service, and may request and shall receive information
 2328 | from the records of any person or the state or any of its
 2329 | political subdivisions or any officer thereof. Any agency as
 2330 | defined in s. 120.52, any political subdivision, and any other
 2331 | person shall, upon request, provide the department any
 2332 | information relating to location, salary, insurance, social
 2333 | security, income tax, and employment history necessary to locate
 2334 | parents who owe or potentially owe a duty of support pursuant to
 2335 | Title IV-D of the Social Security Act. This provision shall
 2336 | expressly take precedence over any other statutory nondisclosure
 2337 | provision which limits the ability of an agency to disclose such
 2338 | information, except that law enforcement information as provided
 2339 | in s. 119.07 (6) ~~(3)~~(i) is not required to be disclosed, and
 2340 | except that confidential taxpayer information possessed by the



HB 1807

2003

2341 Department of Revenue shall be disclosed only to the extent
 2342 authorized in s. 213.053(15). Nothing in this section requires
 2343 the disclosure of information if such disclosure is prohibited
 2344 by federal law. Information gathered or used by the parent
 2345 locator service is confidential and exempt from the provisions
 2346 of s. 119.07(1). Additionally, the department is authorized to
 2347 collect any additional information directly bearing on the
 2348 identity and whereabouts of a person owing or asserted to be
 2349 owing an obligation of support for a dependent child. The
 2350 department shall, upon request, make information available only
 2351 to public officials and agencies of this state; political
 2352 subdivisions of this state, including any agency thereof
 2353 providing child support enforcement services to non-Title IV-D
 2354 clients; the custodial parent, legal guardian, attorney, or
 2355 agent of the child; and other states seeking to locate parents
 2356 who have deserted their children and other persons liable for
 2357 support of dependents, for the sole purpose of establishing,
 2358 modifying, or enforcing their liability for support, and shall
 2359 make such information available to the Department of Children
 2360 and Family Services for the purpose of diligent search
 2361 activities pursuant to chapter 39. If the department has
 2362 reasonable evidence of domestic violence or child abuse and the
 2363 disclosure of information could be harmful to the custodial
 2364 parent or the child of such parent, the child support program
 2365 director or designee shall notify the Department of Children and
 2366 Family Services and the Secretary of the United States
 2367 Department of Health and Human Services of this evidence. Such
 2368 evidence is sufficient grounds for the department to disapprove
 2369 an application for location services.

2370 Section 48. Subsection (6) of section 455.219, Florida



HB 1807

2003

2371 Statutes, is amended to read:

2372 455.219 Fees; receipts; disposition; periodic management
2373 reports.--

2374 (6) The department or the appropriate board shall charge a
2375 fee not to exceed \$25 for the certification of a public record.
2376 The fee shall be determined by rule of the department. The
2377 department or the appropriate board shall assess a fee for
2378 duplication of a public record as provided in s. 119.07(4)~~(1)(a)~~
2379 and ~~(b)~~.

2380 Section 49. Subsection (11) of section 456.025, Florida
2381 Statutes, is amended to read:

2382 456.025 Fees; receipts; disposition.--

2383 (11) The department or the appropriate board shall charge
2384 a fee not to exceed \$25 for the certification of a public
2385 record. The fee shall be determined by rule of the department.
2386 The department or the appropriate board shall assess a fee for
2387 duplicating a public record as provided in s. 119.07(4)~~(1)(a)~~
2388 and ~~(b)~~.

2389 Section 50. Paragraph (1) of subsection (3) of section
2390 627.311, Florida Statutes, is amended to read:

2391 627.311 Joint underwriters and joint reinsurers.--

2392 (3) The department may, after consultation with insurers
2393 licensed to write automobile insurance in this state, approve a
2394 joint underwriting plan for purposes of equitable apportionment
2395 or sharing among insurers of automobile liability insurance and
2396 other motor vehicle insurance, as an alternate to the plan
2397 required in s. 627.351(1). All insurers authorized to write
2398 automobile insurance in this state shall subscribe to the plan
2399 and participate therein. The plan shall be subject to
2400 continuous review by the department which may at any time



HB 1807

2003

2401 disapprove the entire plan or any part thereof if it determines
2402 that conditions have changed since prior approval and that in
2403 view of the purposes of the plan changes are warranted. Any
2404 disapproval by the department shall be subject to the provisions
2405 of chapter 120. If adopted, the plan and the association created
2406 under the plan:

2407 (1)1. Shall be subject to the public records requirements
2408 of chapter 119 and the public meeting requirements of s.
2409 286.011. However, the following records of the Florida
2410 Automobile Joint Underwriting Association are confidential and
2411 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2412 Constitution:

2413 a. Underwriting files, except that a policyholder or an
2414 applicant shall have access to his or her own underwriting
2415 files.

2416 b. Claims files, until termination of all litigation and
2417 settlement of all claims arising out of the same incident,
2418 although portions of the claims files may remain exempt, as
2419 otherwise provided by law. Confidential and exempt claims file
2420 records may be released to other governmental agencies upon
2421 written request and demonstration of need; such records held by
2422 the receiving agency remain confidential and exempt as provided
2423 by this paragraph.

2424 c. Records obtained or generated by an internal auditor
2425 pursuant to a routine audit, until the audit is completed or, if
2426 the audit is conducted as part of an investigation, until the
2427 investigation is closed or ceases to be active. An investigation
2428 is considered "active" while the investigation is being
2429 conducted with a reasonable, good faith belief that it could
2430 lead to the filing of administrative, civil, or criminal



HB 1807

2003

2431 proceedings.

2432 d. Matters reasonably encompassed in privileged attorney-
2433 client communications.

2434 e. Proprietary information licensed to the association
2435 under contract when the contract provides for the
2436 confidentiality of such proprietary information.

2437 f. All information relating to the medical condition or
2438 medical status of an association employee which is not relevant
2439 to the employee's capacity to perform his or her duties, except
2440 as otherwise provided in this paragraph. Information which is
2441 exempt shall include, but is not limited to, information
2442 relating to workers' compensation, insurance benefits, and
2443 retirement or disability benefits.

2444 g. All records relative to an employee's participation in
2445 an employee assistance program designed to assist any employee
2446 who has a behavioral or medical disorder, substance abuse
2447 problem, or emotional difficulty which affects the employee's
2448 job performance, except as otherwise provided in s.
2449 112.0455(11).

2450 h. Information relating to negotiations for financing,
2451 reinsurance, depopulation, or contractual services, until the
2452 conclusion of the negotiations.

2453 i. Minutes of closed meetings regarding underwriting
2454 files, and minutes of closed meetings regarding an open claims
2455 file until termination of all litigation and settlement of all
2456 claims with regard to that claim, except that information
2457 otherwise confidential or exempt by law must be redacted. When
2458 an authorized insurer is considering underwriting a risk insured
2459 by the association, relevant underwriting files and confidential
2460 claims files may be released to the insurer provided the insurer



HB 1807

2003

2461 agrees in writing, notarized and under oath, to maintain the
2462 confidentiality of such files. When a file is transferred to an
2463 insurer, that file is no longer a public record because it is
2464 not held by an agency subject to the provisions of the public
2465 records law. The association may make the following information
2466 obtained from underwriting files and confidential claims files
2467 available to licensed general lines insurance agents: name,
2468 address, and telephone number of the automobile owner or
2469 insured; location of the risk; rating information; loss history;
2470 and policy type. The receiving licensed general lines insurance
2471 agent must retain the confidentiality of the information
2472 received.

2473 2. Portions of meetings of the Florida Automobile Joint
2474 Underwriting Association during which confidential underwriting
2475 files or confidential open claims files are discussed are exempt
2476 from the provisions of s. 286.011 and s. 24(b), Art. I of the
2477 State Constitution. All portions of association meetings which
2478 are closed to the public shall be recorded by a court reporter.
2479 The court reporter shall record the times of commencement and
2480 termination of the meeting, all discussion and proceedings, the
2481 names of all persons present at any time, and the names of all
2482 persons speaking. No portion of any closed meeting shall be off
2483 the record. Subject to the provisions of this paragraph and s.
2484 119.07(1)(b)-(d)~~(2)(a)~~, the court reporter's notes of any closed
2485 meeting shall be retained by the association for a minimum of 5
2486 years. A copy of the transcript, less any exempt matters, of
2487 any closed meeting during which claims are discussed shall
2488 become public as to individual claims after settlement of the
2489 claim.

2490



HB 1807

2003

2491 This paragraph is subject to the Open Government Sunset Review
 2492 Act of 1995 in accordance with s. 119.15, and shall stand
 2493 repealed on October 2, 2003, unless reviewed and saved from
 2494 repeal through reenactment by the Legislature.

2495 Section 51. Paragraph (n) of subsection (6) of section
 2496 627.351, Florida Statutes, is amended to read:

2497 627.351 Insurance risk apportionment plans.--

2498 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

2499 (n)1. The following records of the corporation are
 2500 confidential and exempt from the provisions of s. 119.07(1) and
 2501 s. 24(a), Art. I of the State Constitution:

2502 a. Underwriting files, except that a policyholder or an
 2503 applicant shall have access to his or her own underwriting
 2504 files.

2505 b. Claims files, until termination of all litigation and
 2506 settlement of all claims arising out of the same incident,
 2507 although portions of the claims files may remain exempt, as
 2508 otherwise provided by law. Confidential and exempt claims file
 2509 records may be released to other governmental agencies upon
 2510 written request and demonstration of need; such records held by
 2511 the receiving agency remain confidential and exempt as provided
 2512 for herein.

2513 c. Records obtained or generated by an internal auditor
 2514 pursuant to a routine audit, until the audit is completed, or if
 2515 the audit is conducted as part of an investigation, until the
 2516 investigation is closed or ceases to be active. An investigation
 2517 is considered "active" while the investigation is being
 2518 conducted with a reasonable, good faith belief that it could
 2519 lead to the filing of administrative, civil, or criminal
 2520 proceedings.



HB 1807

2003

2521 d. Matters reasonably encompassed in privileged attorney-
2522 client communications.

2523 e. Proprietary information licensed to the corporation
2524 under contract and the contract provides for the confidentiality
2525 of such proprietary information.

2526 f. All information relating to the medical condition or
2527 medical status of a corporation employee which is not relevant
2528 to the employee's capacity to perform his or her duties, except
2529 as otherwise provided in this paragraph. Information which is
2530 exempt shall include, but is not limited to, information
2531 relating to workers' compensation, insurance benefits, and
2532 retirement or disability benefits.

2533 g. Upon an employee's entrance into the employee
2534 assistance program, a program to assist any employee who has a
2535 behavioral or medical disorder, substance abuse problem, or
2536 emotional difficulty which affects the employee's job
2537 performance, all records relative to that participation shall be
2538 confidential and exempt from the provisions of s. 119.07(1) and
2539 s. 24(a), Art. I of the State Constitution, except as otherwise
2540 provided in s. 112.0455(11).

2541 h. Information relating to negotiations for financing,
2542 reinsurance, depopulation, or contractual services, until the
2543 conclusion of the negotiations.

2544 i. Minutes of closed meetings regarding underwriting
2545 files, and minutes of closed meetings regarding an open claims
2546 file until termination of all litigation and settlement of all
2547 claims with regard to that claim, except that information
2548 otherwise confidential or exempt by law will be redacted.

2549



HB 1807

2003

2550 When an authorized insurer is considering underwriting a risk
2551 insured by the corporation, relevant underwriting files and
2552 confidential claims files may be released to the insurer
2553 provided the insurer agrees in writing, notarized and under
2554 oath, to maintain the confidentiality of such files. When a file
2555 is transferred to an insurer that file is no longer a public
2556 record because it is not held by an agency subject to the
2557 provisions of the public records law. Underwriting files and
2558 confidential claims files may also be released to staff of and
2559 the board of governors of the market assistance plan established
2560 pursuant to s. 627.3515, who must retain the confidentiality of
2561 such files, except such files may be released to authorized
2562 insurers that are considering assuming the risks to which the
2563 files apply, provided the insurer agrees in writing, notarized
2564 and under oath, to maintain the confidentiality of such files.
2565 Finally, the corporation or the board or staff of the market
2566 assistance plan may make the following information obtained from
2567 underwriting files and confidential claims files available to
2568 licensed general lines insurance agents: name, address, and
2569 telephone number of the residential property owner or insured;
2570 location of the risk; rating information; loss history; and
2571 policy type. The receiving licensed general lines insurance
2572 agent must retain the confidentiality of the information
2573 received.

2574 2. Portions of meetings of the corporation are exempt from
2575 the provisions of s. 286.011 and s. 24(b), Art. I of the State
2576 Constitution wherein confidential underwriting files or
2577 confidential open claims files are discussed. All portions of
2578 corporation meetings which are closed to the public shall be
2579 recorded by a court reporter. The court reporter shall record



HB 1807

2003

2580 the times of commencement and termination of the meeting, all
 2581 discussion and proceedings, the names of all persons present at
 2582 any time, and the names of all persons speaking. No portion of
 2583 any closed meeting shall be off the record. Subject to the
 2584 provisions hereof and s. 119.07(1)(b)-(d)~~(2)(a)~~, the court
 2585 reporter's notes of any closed meeting shall be retained by the
 2586 corporation for a minimum of 5 years. A copy of the transcript,
 2587 less any exempt matters, of any closed meeting wherein claims
 2588 are discussed shall become public as to individual claims after
 2589 settlement of the claim.

2590 Section 52. Subsection (1) of section 633.527, Florida
 2591 Statutes, is amended to read:

2592 633.527 Records concerning applicant; extent of
 2593 confidentiality.--

2594 (1) Test material is made confidential by s.
 2595 119.07(6)~~(3)~~(a). An applicant may waive in writing the
 2596 confidentiality of his or her examination answer sheet for the
 2597 purpose of discussion with the State Fire Marshal or his or her
 2598 staff.

2599 Section 53. Section 655.0321, Florida Statutes, is amended
 2600 to read:

2601 655.0321 Restricted access to certain hearings,
 2602 proceedings, and related documents.--The department shall
 2603 consider the public purposes specified in s. 119.15 ~~119.14~~(4)(b)
 2604 and the provisions of s. 24, Art. I of the State Constitution in
 2605 determining whether the hearings and proceedings conducted
 2606 pursuant to s. 655.033 for the issuance of cease and desist
 2607 orders and s. 655.037 for the issuance of suspension or removal
 2608 orders shall be closed and exempt from the provisions of s.
 2609 286.011, and whether related documents shall be confidential and



HB 1807

2003

2610 exempt from the provisions of s. 119.07(1).

2611 Section 54. Paragraph (m) of subsection (2) of section
2612 668.50, Florida Statutes, is amended to read:

2613 668.50 Uniform Electronic Transaction Act.--

2614 (2) DEFINITIONS.--As used in this section:

2615 (m) "Record" means information that is inscribed on a
2616 tangible medium or that is stored in an electronic or other
2617 medium and is retrievable in perceivable form, including public
2618 records as defined in s. 119.011(11)(~~1~~).

2619 Section 55. Subsection (1) of section 794.024, Florida
2620 Statutes, is amended to read:

2621 794.024 Unlawful to disclose identifying information.--

2622 (1) A public employee or officer who has access to the
2623 photograph, name, or address of a person who is alleged to be
2624 the victim of an offense described in this chapter, chapter 800,
2625 s. 827.03, s. 827.04, or s. 827.071 may not willfully and
2626 knowingly disclose it to a person who is not assisting in the
2627 investigation or prosecution of the alleged offense or to any
2628 person other than the defendant, the defendant's attorney, a
2629 person specified in an order entered by the court having
2630 jurisdiction of the alleged offense, or to organizations
2631 authorized to receive such information made exempt by s.
2632 119.07(6)(~~3~~)(f), or to a rape crisis center or sexual assault
2633 counselor, as defined in s. 90.5035(1)(b), who will be offering
2634 services to the victim.

2635 Section 56. For the purpose of incorporating the
2636 amendments to section 945.25, Florida Statutes, in a reference
2637 thereto, paragraph (a) of subsection (2) of section 947.13,
2638 Florida Statutes, is reenacted to read:

2639 947.13 Powers and duties of commission.--



HB 1807

2003

2640 (2)(a) The commission shall immediately examine records of
2641 the department under s. 945.25, and any other records which it
2642 obtains, and may make such other investigations as may be
2643 necessary.

2644 Section 57. This act shall take effect July 1, 2003.