



CHAMBER ACTION

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The Committee on State Administration recommends the following:

Committee Substitute

Remove the entire bill and insert:

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



29 | under which the financial, business, and membership
30 | records of an organization are public records; amending s.
31 | 119.011, F.S.; providing definitions; correcting cross
32 | references; repealing ss. 119.0115, 119.012, and 119.02,
33 | F.S., relating to specified exemption for certain
34 | videotapes and video signals, records made public by the
35 | use of public funds, and penalties for violation of public
36 | records requirements by a public officer; amending s.
37 | 119.021, F.S.; providing requirements for governmental
38 | agencies in maintaining and preserving public records;
39 | requiring the Division of Library and Information Services
40 | of the Department of State to adopt rules for retaining
41 | and disposing of public records; authorizing the division
42 | to provide for archiving certain noncurrent records;
43 | providing for the destruction of certain records and the
44 | continued maintenance of certain records; providing for
45 | the disposition of records at the end of an official's
46 | term of office; requiring that a custodian of public
47 | records demand delivery of records held unlawfully;
48 | repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S.,
49 | relating to the retention and disposal of public records
50 | and the delivery of records held unlawfully; amending s.
51 | 119.07, F.S.; revising provisions governing the inspection
52 | and copying of public records; establishing fees for
53 | copying; providing requirements for making photographs;
54 | authorizing additional means of copying; repealing s.
55 | 119.08, F.S., relating to requirements for making
56 | photographs of public records; amending s. 119.084, F.S.;



57 deleting certain provisions governing the maintenance of
58 public records in an electronic recordkeeping system;
59 repealing ss. 119.085 and 119.09, F.S., relating to remote
60 electronic access to public records and the program for
61 records and information management of the Department of
62 State; amending s. 119.10, F.S.; clarifying provisions
63 with respect to penalties for violations of ch. 119, F.S.;
64 amending s. 119.105, F.S.; clarifying provisions under
65 which certain police reports may be exempt from the public
66 records law; amending s. 120.55, F.S.; revising language
67 with respect to publication of the Florida Administrative
68 Code to provide that the Department of State is required
69 to compile and publish the code through a continuous
70 revision system; amending s. 257.36, F.S.; providing
71 procedure with respect to official custody of records upon
72 transfer of duties or responsibilities between state
73 agencies or dissolution of a state agency; amending s.
74 328.15, F.S.; revising the classification of records of
75 notices and satisfaction of liens on vessels maintained by
76 the Department of Highway Safety and Motor Vehicles;
77 amending s. 372.5717, F.S.; revising the classification of
78 records of hunter safety certification cards maintained by
79 the Fish and Wildlife Conservation Commission; creating s.
80 415.1071, F.S.; relocating the provision allowing a person
81 or organization to petition the court for access to
82 records of the Department of Children and Family Services;
83 amending s. 560.121, F.S.; decreasing and qualifying the
84 period of retention for examination reports, investigatory



85 records, applications, application records, and related
86 information compiled by the Department of Banking and
87 Finance under the Money Transmitters' Code; amending s.
88 560.123, F.S.; decreasing the period of retention for
89 specified reports filed by money transmitters with the
90 Department of Banking and Finance under the money
91 Transmitters' Code; amending s. 560.129, F.S.; decreasing
92 and qualifying the period of retention for examination
93 reports, investigatory records, applications, application
94 records, and related information compiled by the
95 Department of Banking and Finance under the Money
96 Transmitters' Code; amending s. 624.311, F.S.; authorizing
97 the Department of Insurance to maintain an electronic
98 recordkeeping system for specified records, statements,
99 reports, and documents; eliminating a standard for the
100 reproduction of such records, statements, reports, and
101 documents; amending s. 624.312, F.S.; providing that
102 reproductions from an electronic recordkeeping system of
103 specified documents and records of the Department of
104 Insurance shall be treated as originals for the purpose of
105 their admissibility in evidence; amending s. 633.527,
106 F.S.; decreasing the period of retention for specified
107 examination test questions, answer sheets, and grades in
108 the possession of the Division of State Fire Marshal of
109 the Department of Insurance; amending s. 655.50, F.S.;
110 revising requirements of the Department of Banking and
111 Finance with respect to retention of copies of specified
112 reports and records of exemption submitted or filed by



113 financial institutions under the Florida Control of Money
114 Laundering in Financial Institutions Act; amending s.
115 945.25, F.S.; requiring the Department of Corrections to
116 obtain and place in its records specified information on
117 every person who may be sentenced to supervision or
118 incarceration under the jurisdiction of the department;
119 eliminating a requirement of the department, in its
120 discretion, to obtain and place in its permanent records
121 specified information on persons placed on probation and
122 on persons who may become subject to pardon and
123 commutation of sentence; amending s. 985.31, F.S.;
124 revising the classification of specified medical files of
125 serious or habitual juvenile offenders; repealing s.
126 212.095(6)(d), F.S., which requires the Department of
127 Revenue to keep a permanent record of the amounts of
128 refunds claimed and paid under ch. 212, F.S., and which
129 requires that such records shall be open to public
130 inspection; repealing s. 238.03(9), F.S., relating to the
131 authority of the Department of Management Services to
132 photograph and reduce to microfilm as a permanent record
133 its ledger sheets showing the salaries and contributions
134 of members of the Teachers' Retirement System of Florida
135 and the records of deceased members of the system, and the
136 authority to destroy the documents from which such films
137 derive; correcting a cross reference; amending ss. 15.09,
138 23.22, 101.5607, 112.533, 1012.31, 257.34, 257.35, 282.21,
139 287.0943, 320.05, 322.20, 338.223, 378.406, 400.0077,
140 401.27, 403.111, 409.2577, 455.219, 456.025, 627.311,



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141 627.351, 633.527, 668.50, and 794.024, F.S.; conforming
142 cross references; reenacting s. 947.13(2)(a), F.S.,
143 relating to the duty of the Parole Commission to examine
144 specified records, to incorporate the amendment to s.
145 945.25, F.S., in a reference thereto; repealing s.
146 430.015, F.S., which provides a public necessity statement
147 for a Department of Elderly Affairs public records
148 exemption; amending s. 440.132, F.S.; eliminating a public
149 necessity statement for an Agency for Health Care
150 Administration public records exemption; repealing s.
151 723.0065, F.S., which provides a public necessity
152 statement for a Division of Florida Land Sales,
153 Condominiums, and Mobile Homes public records exemption;
154 repealing s. 768.301, F.S., which provides a public
155 necessity statement for a public records and public
156 meetings exemption regarding state administered risk
157 management programs; repealing s. 815.045, F.S., which
158 provides a public necessity statement for a public records
159 exemption regarding trade secret information held by an
160 agency; amending s. 943.031, F.S.; eliminating a public
161 necessity statement for a Florida Violent Crime and Drug
162 Control Council public records and public meetings
163 exemption; providing an effective date.

164

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

166

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



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169 18.20 Treasurer to make reproductions of certain warrants,
170 records, and documents.--

171 (1) All vouchers or checks heretofore or hereafter drawn
172 by appropriate court officials of the several counties of the
173 state against money deposited with the Treasurer under the
174 provisions of s. 43.17, and paid by the Treasurer, may be
175 photographed, microphotographed, or reproduced on film by the
176 Treasurer. Such photographic film shall be durable material and
177 the device used to so reproduce such warrants, vouchers, or
178 checks shall be one which accurately reproduces the originals
179 thereof in all detail; and such photographs, microphotographs,
180 or reproductions on film shall be placed in conveniently
181 accessible and identified files and shall be preserved by the
182 Treasurer as a part of the ~~permanent~~ records of office. When any
183 such warrants, vouchers, or checks have been so photographed,
184 microphotographed, or reproduced on film, and the photographs,
185 microphotographs, or reproductions on film thereof have been
186 placed in files as a part of the ~~permanent~~ records of the office
187 of the Treasurer as aforesaid, the Treasurer is authorized to
188 return such warrants, vouchers, or checks to the offices of the
189 respective county officials who drew the same and such warrants,
190 vouchers, or checks shall be retained and preserved in such
191 offices to which returned as a part of the ~~permanent~~ records of
192 such offices.

193 Section 2. Section 39.2021, Florida Statutes, is created
194 to read:

195 39.2021 Release of confidential information.--



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196 (1) Any person or organization, including the Department
197 of Children and Family Services, may petition the court for an
198 order making public the records of the Department of Children
199 and Family Services that pertain to investigations of alleged
200 abuse, abandonment, or neglect of a child. The court shall
201 determine whether good cause exists for public access to the
202 records sought or a portion thereof. In making this
203 determination, the court shall balance the best interest of the
204 child who is the focus of the investigation and the interest of
205 that child's siblings, together with the privacy right of other
206 persons identified in the reports, against the public interest.
207 The public interest in access to such records is reflected in s.
208 119.01(1) and includes the need for citizens to know of and
209 adequately evaluate the actions of the Department of Children
210 and Family Services and the court system in providing children
211 of this state with the protections enumerated in s. 39.001.
212 However, this subsection does not contravene s. 39.202, which
213 protects the name of any person reporting the abuse,
214 abandonment, or neglect of a child.

215 (2) In cases involving serious bodily injury to a child,
216 the Department of Children and Family Services may petition the
217 court for an order for the immediate public release of records
218 of the department which pertain to the protective investigation.
219 The petition must be personally served upon the child, the
220 child's parent or guardian, and any person named as an alleged
221 perpetrator in the report of abuse, abandonment, or neglect. The
222 court must determine whether good cause exists for the public
223 release of the records sought no later than 24 hours, excluding



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224 Saturdays, Sundays, and legal holidays, after the date the
225 department filed the petition with the court. If the court has
226 neither granted nor denied the petition within the 24-hour time
227 period, the department may release to the public summary
228 information including:

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

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

233 (c) The date of each judicial proceeding, a summary of
234 each participant's recommendations made at the judicial
235 proceeding, and the ruling of the court.

236
237 The summary information may not include the name of, or other
238 identifying information with respect to, any person identified
239 in any investigation. In making a determination to release
240 confidential information, the court shall balance the best
241 interests of the child who is the focus of the investigation and
242 the interests of that child's siblings, together with the
243 privacy rights of other persons identified in the reports,
244 against the public interest for access to public records.
245 However, this subsection does not contravene s. 39.202, which
246 protects the name of any person reporting abuse, abandonment, or
247 neglect of a child.

248 (3) When the court determines that good cause for public
249 access exists, the court shall direct that the department redact
250 the name of and other identifying information with respect to
251 any person identified in any protective investigation report



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252 until such time as the court finds that there is probable cause
253 to believe that the person identified committed an act of
254 alleged abuse, abandonment, or neglect.

255 Section 3. Section 119.01, Florida Statutes, is amended to
256 read:

257 119.01 General state policy on public records.--

258 (1) It is the policy of this state that all state, county,
259 and municipal records are ~~shall be~~ open for personal inspection
260 by any person.

261 ~~(2) The Legislature finds that, given advancements in~~
262 ~~technology, Providing access to public records is a duty of each~~
263 ~~agency by remote electronic means is an additional method of~~
264 ~~access that agencies should strive to provide to the extent~~
265 ~~feasible. If an agency provides access to public records by~~
266 ~~remote electronic means, then such access should be provided in~~
267 ~~the most cost-effective and efficient manner available to the~~
268 ~~agency providing the information.~~

269 (2)(a)(3) The Legislature finds that providing access to
270 public records is a duty of each agency and that Automation of
271 public records must not erode the right of access to public
272 these records. As each agency increases its use of and
273 dependence on electronic recordkeeping, each agency must provide
274 ensure reasonable public access to records electronically
275 maintained and must keep information made exempt or confidential
276 from being disclosed to the public.

277 (b) An agency must consider when designing or acquiring an
278 electronic recordkeeping system whether such system is capable



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279 of providing data in some common format such as, but not limited
280 to, the American Standard Code for Information Interchange.

281 (c) An agency may not enter into a contract for the
282 creation or maintenance of a public records database if that
283 contract impairs the ability of the public to inspect or copy
284 the public records of the agency, including public records that
285 are on-line or stored in an electronic recordkeeping system used
286 by the agency.

287 (d) Subject to the restrictions of copyright and trade
288 secret laws and public records exemptions, agency use of
289 proprietary software must not diminish the right of the public
290 to inspect and copy a public record.

291 (e) Providing access to public records by remote
292 electronic means is an additional method of access that agencies
293 should strive to provide to the extent feasible. If an agency
294 provides access to public records by remote electronic means,
295 such access should be provided in the most cost-effective and
296 efficient manner available to the agency providing the
297 information.

298 (f) Each agency that maintains a public record in an
299 electronic recordkeeping system shall provide to any person,
300 pursuant to this chapter, a copy of any public record in that
301 system which is not exempted by law from public disclosure. An
302 agency must provide a copy of the record in the medium requested
303 if the agency maintains the record in that medium, and the
304 agency may charge a fee in accordance with this chapter. For the
305 purpose of satisfying a public records request, the fee to be
306 charged by an agency if it elects to provide a copy of a public



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307 record in a medium not routinely used by the agency, or if it
 308 elects to compile information not routinely developed or
 309 maintained by the agency or that requires a substantial amount
 310 of manipulation or programming, must be in accordance with s.
 311 119.07(4).

312 (3) If public funds are expended by an agency as defined
 313 in s. 119.011(2) in payment of dues or membership contributions
 314 for any person, corporation, foundation, trust, association,
 315 group, or other organization, all the financial, business, and
 316 membership records of that person, corporation, foundation,
 317 trust, association, group, or other organization which pertain
 318 to the public agency are public records and subject to the
 319 provisions of s. 119.07.

320 ~~(4) Each agency shall establish a program for the disposal~~
 321 ~~of records that do not have sufficient legal, fiscal,~~
 322 ~~administrative, or archival value in accordance with retention~~
 323 ~~schedules established by the records and information management~~
 324 ~~program of the Division of Library and Information Services of~~
 325 ~~the Department of State.~~

326 Section 4. Section 119.011, Florida Statutes, is amended
 327 to read:

328 119.011 Definitions.--As used in ~~For the purpose of~~ this
 329 chapter, the term:

330 (1) "Actual cost of duplication" means the cost of the
 331 material and supplies used to duplicate the public record but
 332 does not include the labor cost or overhead cost associated with
 333 such duplication. ~~"Public records" means all documents, papers,~~
 334 ~~letters, maps, books, tapes, photographs, films, sound~~



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335 ~~recordings, data processing software, or other material,~~
336 ~~regardless of the physical form, characteristics, or means of~~
337 ~~transmission, made or received pursuant to law or ordinance or~~
338 ~~in connection with the transaction of official business by any~~
339 ~~agency.~~

340 (2) "Agency" means any state, county, district, authority,
341 or municipal officer, department, division, board, bureau,
342 commission, or other separate unit of government created or
343 established by law including, for the purposes of this chapter,
344 the Commission on Ethics, the Public Service Commission, and the
345 Office of Public Counsel, and any other public or private
346 agency, person, partnership, corporation, or business entity
347 acting on behalf of any public agency.

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

352 (b) "Criminal investigative information" means information
353 with respect to an identifiable person or group of persons
354 compiled by a criminal justice agency in the course of
355 conducting a criminal investigation of a specific act or
356 omission, including, but not limited to, information derived
357 from laboratory tests, reports of investigators or informants,
358 or any type of surveillance.

359 (c) "Criminal intelligence information" and "criminal
360 investigative information" shall not include:

361 1. The time, date, location, and nature of a reported
362 crime.



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

365 119.07~~(6)~~~~(3)~~(f).

366 3. The time, date, and location of the incident and of the
367 arrest.

368 4. The crime charged.

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

371 119.07~~(6)~~~~(3)~~(f), and, except that the court in a criminal case
372 may order that certain information required by law or agency
373 rule to be given to the person arrested be maintained in a
374 confidential manner and exempt from the provisions of s.

375 119.07(1) until released at trial if it is found that the
376 release of such information would:

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

379 b. Impair the ability of a state attorney to locate or
380 prosecute a codefendant.

381 6. Informations and indictments except as provided in s.
382 905.26.

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

384 1. Criminal intelligence information shall be considered
385 "active" as long as it is related to intelligence gathering
386 conducted with a reasonable, good faith belief that it will lead
387 to detection of ongoing or reasonably anticipated criminal
388 activities.

389 2. Criminal investigative information shall be considered
390 "active" as long as it is related to an ongoing investigation



391 | which is continuing with a reasonable, good faith anticipation
392 | of securing an arrest or prosecution in the foreseeable future.

393 |
394 | In addition, criminal intelligence and criminal investigative
395 | information shall be considered "active" while such information
396 | is directly related to pending prosecutions or appeals. The word
397 | "active" shall not apply to information in cases which are
398 | barred from prosecution under the provisions of s. 775.15 or
399 | other statute of limitation.

400 | (4) "Criminal justice agency" means:

401 | (a) Any law enforcement agency, court, or prosecutor;~~—The~~
402 | ~~term also includes~~

403 | (b) Any other agency charged by law with criminal law
404 | enforcement duties;~~—or~~

405 | (c) Any agency having custody of criminal intelligence
406 | information or criminal investigative information for the
407 | purpose of assisting such law enforcement agencies in the
408 | conduct of active criminal investigation or prosecution or for
409 | the purpose of litigating civil actions under the Racketeer
410 | Influenced and Corrupt Organization Act, during the time that
411 | such agencies are in possession of criminal intelligence
412 | information or criminal investigative information pursuant to
413 | their criminal law enforcement duties; or.~~—The term also~~
414 | ~~includes~~

415 | (d) The Department of Corrections.

416 | (5) "Custodian of public records" means the elected or
417 | appointed state, county, or municipal officer charged with the



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418 responsibility of maintaining the office having public records,
419 or his or her designee.

420 (6) "Data processing software" means the programs and
421 routines used to employ and control the capabilities of data
422 processing hardware, including, but not limited to, operating
423 systems, compilers, assemblers, utilities, library routines,
424 maintenance routines, applications, and computer networking
425 programs.

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

428 (8) "Exemption" means a provision of general law that
429 provides that a specified record or meeting, or portion thereof,
430 is not subject to the access requirements of s. 119.07(1), s.
431 286.011, or s. 24, Art. I of the State Constitution.

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

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

436 (11) "Public records" means all documents, papers,
437 letters, maps, books, tapes, photographs, films, sound
438 recordings, data processing software, or other material,
439 regardless of the physical form, characteristics, or means of
440 transmission, made or received pursuant to law or ordinance or
441 in connection with the transaction of official business by any
442 agency.

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



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

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

452 (b) Collect, process, store, and retrieve financial
453 management information of the agency, such as payroll and
454 accounting records; or

455 (c) Control and direct access authorizations and security
456 measures for automated systems.

457 Section 5. Sections 119.0115, 119.012, and 119.02, Florida
458 Statutes, are repealed.

459 Section 6. Section 119.021, Florida Statutes, is
460 amended to read:

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

463 119.021 Custodial requirements; maintenance, preservation,
464 and retention of public records.--

465 (1) Public records shall be maintained and preserved
466 as follows:

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

469 (b) Insofar as practicable, a custodian of public records
470 of vital, permanent, or archival value shall keep such records
471 in fireproof and waterproof safes, vaults, or rooms fitted with
472 noncombustible materials and in such arrangement as to be easily
473 accessible for convenient use.



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

476 2. Whenever any state, county, or municipal records are in
477 need of repair, restoration, or rebinding, the head of the
478 concerned state agency, department, board, or commission; the
479 board of county commissioners of such county; or the governing
480 body of such municipality may authorize that such records be
481 removed from the building or office in which such records are
482 ordinarily kept for the length of time required to repair,
483 restore, or rebind them.

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

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

491 (b) Each agency shall comply with the rules establishing
492 retention schedules and disposal processes for public records
493 which are adopted by the records and information management
494 program of the division.

495 (c) Every public official shall systematically dispose of
496 records no longer needed, subject to the consent of the records
497 and information management program of the division in accordance
498 with s. 257.36.

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



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502 and public accessibility of public records in their custody.
503 Public officials shall assist the division by preparing an
504 inclusive inventory of categories of public records in their
505 custody. The division shall establish a time period for the
506 retention or disposal of each series of records. Upon the
507 completion of the inventory and schedule, the division shall,
508 subject to the availability of necessary space, staff, and other
509 facilities for such purposes, make space available in its
510 records center for the filing of semicurrent records so
511 scheduled and in its archives for noncurrent records of
512 permanent value, and shall render such other assistance as
513 needed, including the microfilming of records so scheduled.

514 (3) Agency orders that comprise final agency action and
515 that must be indexed or listed pursuant to s. 120.53 have
516 continuing legal significance; therefore, notwithstanding any
517 other provision of this chapter or any provision of chapter 257,
518 each agency shall permanently maintain records of such orders
519 pursuant to the applicable rules of the Department of State.

520 (4)(a) Whoever has custody of any public records shall
521 deliver, at the expiration of his or her term of office, to his
522 or her successor or, if there be none, to the records and
523 information management program of the Division of Library and
524 Information Services of the Department of State, all public
525 records kept or received by him or her in the transaction of
526 official business.

527 (b) Whoever is entitled to custody of public records shall
528 demand them from any person having illegal possession of them,
529 who must forthwith deliver the same to him or her. Any person



530 unlawfully possessing public records must, within 10 days,
 531 deliver such records to the lawful custodian of public records
 532 unless just cause exists for failing to deliver such records.

533 Section 7. Sections 119.031, 119.041, 119.05, and 119.06,
 534 Florida Statutes, are repealed.

535 Section 8. Section 119.07, Florida Statutes, is amended to
 536 read:

537 119.07 Inspection, examination, and copying duplication of
 538 records; fees; exemptions.--

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

544 (b) An exemption from this section does not imply an
 545 exemption from s. 286.011. The exemption from s. 286.011 must
 546 be expressly provided.

547 (c) A person who has custody of a public record who
 548 asserts that an exemption applies to a part of such record shall
 549 redact that portion of the record to which an exemption has been
 550 asserted and validly applies, and such person shall produce the
 551 remainder of such record for inspection and copying.

552 (d) If the person who has custody of a public record
 553 contends that the record or part thereof is exempt from
 554 inspection and copying, he or she shall state the basis of the
 555 exemption that he or she contends is applicable to the record or
 556 part thereof, including the statutory citation to an exemption
 557 created or afforded by statute.



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

562 (f) In any civil action in which an exemption to this
563 section is asserted, if the exemption is alleged to exist under
564 or by virtue of paragraph(6)(c), paragraph (6)(d), paragraph
565 (6)(e), paragraph(6)(k), paragraph (6)(l), or paragraph (6)(o),
566 the public record or part thereof in question shall be submitted
567 to the court for an inspection in camera. If an exemption is
568 alleged to exist under or by virtue of paragraph (6)(b), an
569 inspection in camera will be discretionary with the court. If
570 the court finds that the asserted exemption is not applicable,
571 it shall order the public record or part thereof in question to
572 be immediately produced for inspection or copying as requested
573 by the person seeking such access.

574 (g) Regardless of whether an assertion is made by the
575 custodian of public records that a requested record is not a
576 public record subject to public inspection or copying under this
577 subsection, the requested record shall not be disposed of for a
578 period of 30 days after the date on which a written request to
579 inspect or copy the record was served on or otherwise made to
580 the custodian of public records by the person seeking access to
581 the record. If a civil action is instituted within the 30-day
582 period to enforce the provisions of this section with respect to
583 the requested record, the custodian of public records may not
584 dispose of the record except by order of a court of competent
585 jurisdiction after notice to all affected parties.



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586 (h) The absence of a civil action instituted for the
587 purpose stated in paragraph (f) does not relieve the custodian
588 of public records of the duty to maintain the record as a public
589 record if the record is in fact a public record subject to
590 public inspection and copying under this subsection and does not
591 otherwise excuse or exonerate the custodian of public records
592 from any unauthorized or unlawful disposition of such record.

593 (2)(a) Any person shall have the right of access to public
594 records for the purpose of making photographs of the record
595 while in the possession, custody, and control of the custodian
596 of public records.

597 (b) This subsection applies to the making of photographs
598 in the conventional sense by use of a camera device to capture
599 images of public records but excludes the duplication of
600 microfilm in the possession of the clerk of the circuit court
601 where a copy of the microfilm may be made available by the
602 clerk.

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

606 (d) Photographing of public records shall be done in the
607 room where the public records are kept. If, in the judgment of
608 the custodian of public records, this is impossible or
609 impracticable, such photographing shall be done in another room
610 or place, as nearly adjacent as possible to the room where the
611 public records are kept, to be determined by the custodian of
612 public records. Where provision of another room or place for
613 photographing is required, the expense of providing the same



614 shall be paid by the person desiring to photograph the public
 615 record pursuant to paragraph (4)(e).

616 (3)(a) As an additional means of inspecting or copying
 617 public records, a custodian of public records may provide access
 618 to public records by remote electronic means, provided exempt or
 619 confidential information is not disclosed.

620 (b) The custodian of public records shall provide
 621 safeguards to protect the contents of public records from
 622 unauthorized remote electronic access or alteration and to
 623 prevent the disclosure or modification of those portions of
 624 public records which are exempt or confidential from subsection
 625 (1) or s. 24, Art. I of the State Constitution.

626 (c) Unless otherwise required by law, the custodian of
 627 public records may charge a fee for remote electronic access,
 628 granted under a contractual arrangement with a user, which fee
 629 may include the direct and indirect costs of providing such
 630 access. Fees for remote electronic access provided to the
 631 general public shall be in accordance with the provisions of
 632 this section.

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

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

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



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642 3. For all other copies, ~~upon payment of~~ the actual cost
643 of duplication of the public record. ~~An agency may charge no~~
644 ~~more than an additional 5 cents for each two-sided duplicated~~
645 ~~copy. For purposes of this section, duplicated copies shall mean~~
646 ~~new copies produced by duplicating, as defined in s. 283.30.~~
647 ~~The phrase "actual cost of duplication" means the cost of the~~
648 ~~material and supplies used to duplicate the record, but it does~~
649 ~~not include the labor cost or overhead cost associated with such~~
650 ~~duplication. However,~~

651 (b) The charge for copies of county maps or aerial
652 photographs supplied by county constitutional officers may also
653 include a reasonable charge for the labor and overhead
654 associated with their duplication. ~~Unless otherwise provided by~~
655 ~~law, the fees to be charged for duplication of public records~~
656 ~~shall be collected, deposited, and accounted for in the manner~~
657 ~~prescribed for other operating funds of the agency.~~

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

660 (d)~~(b)~~ If the nature or volume of public records requested
661 to be inspected, ~~examined~~, or copied pursuant to this subsection
662 is such as to require extensive use of information technology
663 resources or extensive clerical or supervisory assistance by
664 personnel of the agency involved, or both, the agency may
665 charge, in addition to the actual cost of duplication, a special
666 service charge, which shall be reasonable and shall be based on
667 the cost incurred for such extensive use of information
668 technology resources or the labor cost of the personnel
669 providing the service that is actually incurred by the agency or



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670 attributable to the agency for the clerical and supervisory
671 assistance required, or both.

672 (e)1. Where provision of another room or place is
673 necessary to photograph public records, the expense of providing
674 the same shall be paid by the person desiring to photograph the
675 public records.

676 2. The custodian of public records may charge the person
677 making the photographs for supervision services at a rate of
678 compensation to be agreed upon by the person desiring to make
679 the photographs and the custodian of public records. If they
680 fail to agree as to the appropriate charge, then the charge is
681 to be determined by the custodian of public records.

682 ~~"Information technology resources" means data processing~~
683 ~~hardware and software and services, communications, supplies,~~
684 ~~personnel, facility resources, maintenance, and training.~~

685 (5)(e) When ballots are produced under this section for
686 inspection or examination, no persons other than the supervisor
687 of elections or the supervisor's employees shall touch the
688 ballots. The supervisor of elections shall make a reasonable
689 effort to notify all candidates by telephone or otherwise of the
690 time and place of the inspection or examination. All such
691 candidates, or their representatives, shall be allowed to be
692 present during the inspection or examination.

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



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698 ~~has been asserted and validly applies, and such person shall~~
699 ~~produce the remainder of such record for inspection and~~
700 ~~examination. If the person who has custody of a public record~~
701 ~~contends that the record or part of it is exempt from inspection~~
702 ~~and examination, he or she shall state the basis of the~~
703 ~~exemption which he or she contends is applicable to the record,~~
704 ~~including the statutory citation to an exemption created or~~
705 ~~afforded by statute, and, if requested by the person seeking the~~
706 ~~right under this subsection to inspect, examine, or copy the~~
707 ~~record, he or she shall state in writing and with particularity~~
708 ~~the reasons for the conclusion that the record is exempt.~~

709 ~~(b) In any civil action in which an exemption to~~
710 ~~subsection (1) is asserted, if the exemption is alleged to exist~~
711 ~~under or by virtue of paragraph(c), paragraph (d), paragraph~~
712 ~~(e), paragraph (k), paragraph(l), or paragraph (o) of subsection~~
713 ~~(3), the public record or part thereof in question shall be~~
714 ~~submitted to the court for an inspection in camera. If an~~
715 ~~exemption is alleged to exist under or by virtue of paragraph~~
716 ~~(b) of subsection (3), an inspection in camera will be~~
717 ~~discretionary with the court. If the court finds that the~~
718 ~~asserted exemption is not applicable, it shall order the public~~
719 ~~record or part thereof in question to be immediately produced~~
720 ~~for inspection, examination, or copying as requested by the~~
721 ~~person seeking such access.~~

722 ~~(c) Even if an assertion is made by the custodian of a~~
723 ~~public record that a requested record is not a public record~~
724 ~~subject to public inspection and examination under subsection~~
725 ~~(1), the requested record shall, nevertheless, not be disposed~~



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726 ~~of for a period of 30 days after the date on which a written~~
727 ~~request requesting the right to inspect, examine, or copy the~~
728 ~~record was served on or otherwise made to the custodian of the~~
729 ~~record by the person seeking access to the record. If a civil~~
730 ~~action is instituted within the 30-day period to enforce the~~
731 ~~provisions of this section with respect to the requested record,~~
732 ~~the custodian shall not dispose of the record except by order of~~
733 ~~a court of competent jurisdiction after notice to all affected~~
734 ~~parties.~~

735 ~~(d) The absence of a civil action instituted for the~~
736 ~~purpose stated in paragraph (c) will not relieve the custodian~~
737 ~~of the duty to maintain the record as a public record if the~~
738 ~~record is in fact a public record subject to public inspection~~
739 ~~and examination under subsection (1) and will not otherwise~~
740 ~~excuse or exonerate the custodian from any unauthorized or~~
741 ~~unlawful disposition of such record.~~

742 (6)(3)(a) Examination questions and answer sheets of
743 examinations administered by a governmental agency for the
744 purpose of licensure, certification, or employment are exempt
745 from the provisions of subsection (1) and s. 24(a), Art. I of
746 the State Constitution. A person who has taken such an
747 examination shall have the right to review his or her own
748 completed examination.

749 (b)1. Active criminal intelligence information and active
750 criminal investigative information are exempt from the
751 provisions of subsection (1) and s. 24(a), Art. I of the State
752 Constitution.



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753 2. A request of a law enforcement agency to inspect or
754 copy a public record that is in the custody of another agency,
755 the custodian's response to the request, and any information
756 that would identify the public record that was requested by the
757 law enforcement agency or provided by the custodian are exempt
758 from the requirements of subsection (1) and s. 24(a), Art. I of
759 the State Constitution, during the period in which the
760 information constitutes criminal intelligence ~~criminal-~~
761 ~~intelligence~~ information or criminal investigative ~~criminal-~~
762 ~~investigative~~ information that is active. This exemption is
763 remedial in nature, and it is the intent of the Legislature that
764 the exemption be applied to requests for information received
765 before, on, or after the effective date of this subparagraph.
766 The law enforcement agency shall give notice to the custodial
767 agency when the criminal intelligence ~~criminal-intelligence~~
768 information or criminal investigative ~~criminal-investigative~~
769 information is no longer active, so that the custodian's
770 response to the request and information that would identify the
771 public record requested are available to the public. This
772 subparagraph is subject to the Open Government Sunset Review Act
773 of 1995 in accordance with s. 119.15 and shall stand repealed
774 October 2, 2007, unless reviewed and saved from repeal through
775 reenactment by the Legislature.

776 (c) Any information revealing the identity of a
777 confidential informant or a confidential source is exempt from
778 the provisions of subsection (1) and s. 24(a), Art. I of the
779 State Constitution.



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780 (d) Any information revealing surveillance techniques or
781 procedures or personnel is exempt from the provisions of
782 subsection (1) and s. 24(a), Art. I of the State Constitution.
783 Any comprehensive inventory of state and local law enforcement
784 resources compiled pursuant to part I, chapter 23, and any
785 comprehensive policies or plans compiled by a criminal justice
786 agency pertaining to the mobilization, deployment, or tactical
787 operations involved in responding to emergencies, as defined in
788 s. 252.34(3), are exempt from the provisions of subsection(1)
789 and s. 24(a), Art. I of the State Constitution and unavailable
790 for inspection, except by personnel authorized by a state or
791 local law enforcement agency, the office of the Governor, the
792 Department of Legal Affairs, the Department of Law Enforcement,
793 or the Department of Community Affairs as having an official
794 need for access to the inventory or comprehensive policies or
795 plans.

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

799 (f) Any criminal intelligence information or criminal
800 investigative information including the photograph, name,
801 address, or other fact or information which reveals the identity
802 of the victim of the crime of sexual battery as defined in
803 chapter 794; the identity of the victim of a lewd or lascivious
804 offense committed upon or in the presence of a person less than
805 16 years of age, as defined in chapter 800; or the identity of
806 the victim of the crime of child abuse as defined by chapter 827
807 and any criminal intelligence information or criminal



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808 | investigative information or other criminal record, including
809 | those portions of court records and court proceedings, which may
810 | reveal the identity of a person who is a victim of any sexual
811 | offense, including a sexual offense proscribed in chapter 794,
812 | chapter 800, or chapter 827, is exempt from the provisions of
813 | subsection(1) and s. 24(a), Art. I of the State Constitution.

814 | (g) Any criminal intelligence information or criminal
815 | investigative information which reveals the personal assets of
816 | the victim of a crime, other than property stolen or destroyed
817 | during the commission of the crime, is exempt from the
818 | provisions of subsection (1) and s. 24(a), Art. I of the State
819 | Constitution.

820 | (h) All criminal intelligence and criminal investigative
821 | information received by a criminal justice agency prior to
822 | January 25, 1979, is exempt from the provisions of subsection
823 | (1) and s. 24(a), Art. I of the State Constitution.

824 | (i)1. The home addresses, telephone numbers, social
825 | security numbers, and photographs of active or former law
826 | enforcement personnel, including correctional and correctional
827 | probation officers, personnel of the Department of Children and
828 | Family Services whose duties include the investigation of abuse,
829 | neglect, exploitation, fraud, theft, or other criminal
830 | activities, personnel of the Department of Health whose duties
831 | are to support the investigation of child abuse or neglect, and
832 | personnel of the Department of Revenue or local governments
833 | whose responsibilities include revenue collection and
834 | enforcement or child support enforcement; the home addresses,
835 | telephone numbers, social security numbers, photographs, and



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836 places of employment of the spouses and children of such
837 personnel; and the names and locations of schools and day care
838 facilities attended by the children of such personnel are exempt
839 from the provisions of subsection(1). The home addresses,
840 telephone numbers, and photographs of firefighters certified in
841 compliance with s. 633.35; the home addresses, telephone
842 numbers, photographs, and places of employment of the spouses
843 and children of such firefighters; and the names and locations
844 of schools and day care facilities attended by the children of
845 such firefighters are exempt from subsection (1). The home
846 addresses and telephone numbers of justices of the Supreme
847 Court, district court of appeal judges, circuit court judges,
848 and county court judges; the home addresses, telephone numbers,
849 and places of employment of the spouses and children of justices
850 and judges; and the names and locations of schools and day care
851 facilities attended by the children of justices and judges are
852 exempt from the provisions of subsection (1). The home
853 addresses, telephone numbers, social security numbers, and
854 photographs of current or former state attorneys, assistant
855 state attorneys, statewide prosecutors, or assistant statewide
856 prosecutors; the home addresses, telephone numbers, social
857 security numbers, photographs, and places of employment of the
858 spouses and children of current or former state attorneys,
859 assistant state attorneys, statewide prosecutors, or assistant
860 statewide prosecutors; and the names and locations of schools
861 and day care facilities attended by the children of current or
862 former state attorneys, assistant state attorneys, statewide



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863 prosecutors, or assistant statewide prosecutors are exempt from
864 subsection (1) and s. 24(a), Art. I of the State Constitution.

865 2. The home addresses, telephone numbers, social security
866 numbers, and photographs of current or former human resource,
867 labor relations, or employee relations directors, assistant
868 directors, managers, or assistant managers of any local
869 government agency or water management district whose duties
870 include hiring and firing employees, labor contract negotiation,
871 administration, or other personnel-related duties; the names,
872 home addresses, telephone numbers, social security numbers,
873 photographs, and places of employment of the spouses and
874 children of such personnel; and the names and locations of
875 schools and day care facilities attended by the children of such
876 personnel are exempt from subsection (1) and s. 24(a), Art. I of
877 the State Constitution. This subparagraph is subject to the
878 Open Government Sunset Review Act of 1995 in accordance with s.
879 119.15, and shall stand repealed on October 2, 2006, unless
880 reviewed and saved from repeal through reenactment by the
881 Legislature.

882 3. The home addresses, telephone numbers, social security
883 numbers, and photographs of current or former code enforcement
884 officers; the names, home addresses, telephone numbers, social
885 security numbers, photographs, and places of employment of the
886 spouses and children of such persons; and the names and
887 locations of schools and day care facilities attended by the
888 children of such persons are exempt from subsection (1) and s.
889 24(a), Art. I of the State Constitution. This subparagraph is
890 subject to the Open Government Sunset Review Act of 1995 in



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891 accordance with s. 119.15, and shall stand repealed on October
892 2, 2006, unless reviewed and saved from repeal through
893 reenactment by the Legislature.

894 4. An agency that is the custodian of the personal
895 information specified in subparagraph 1., subparagraph 2., or
896 subparagraph 3. and that is not the employer of the officer,
897 employee, justice, judge, or other person specified in
898 subparagraph 1., subparagraph 2., or subparagraph 3. shall
899 maintain the exempt status ~~confidentiality~~ of the personal
900 information only if the officer, employee, justice, judge, other
901 person, or employing agency of the designated employee submits a
902 written request for maintenance of the exemption ~~confidentiality~~
903 to the custodial agency.

904 (j) Any information provided to an agency of state
905 government or to an agency of a political subdivision of the
906 state for the purpose of forming ridesharing arrangements, which
907 information reveals the identity of an individual who has
908 provided his or her name for ridesharing, as defined in s.
909 341.031, is exempt from the provisions of subsection (1) and s.
910 24(a), Art. I of the State Constitution.

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

916 (l)1. A public record which was prepared by an agency
917 attorney (including an attorney employed or retained by the
918 agency or employed or retained by another public officer or



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919 agency to protect or represent the interests of the agency
920 having custody of the record) or prepared at the attorney's
921 express direction, which reflects a mental impression,
922 conclusion, litigation strategy, or legal theory of the attorney
923 or the agency, and which was prepared exclusively for civil or
924 criminal litigation or for adversarial administrative
925 proceedings, or which was prepared in anticipation of imminent
926 civil or criminal litigation or imminent adversarial
927 administrative proceedings, is exempt from the provisions of
928 subsection(1) and s. 24(a), Art. I of the State Constitution
929 until the conclusion of the litigation or adversarial
930 administrative proceedings. For purposes of capital collateral
931 litigation as set forth in s. 27.7001, the Attorney General's
932 office is entitled to claim this exemption for those public
933 records prepared for direct appeal as well as for all capital
934 collateral litigation after direct appeal until execution of
935 sentence or imposition of a life sentence.

936 2. This exemption is not waived by the release of such
937 public record to another public employee or officer of the same
938 agency or any person consulted by the agency attorney. When
939 asserting the right to withhold a public record pursuant to this
940 paragraph, the agency shall identify the potential parties to
941 any such criminal or civil litigation or adversarial
942 administrative proceedings. If a court finds that the document
943 or other record has been improperly withheld under this
944 paragraph, the party seeking access to such document or record
945 shall be awarded reasonable attorney's fees and costs in
946 addition to any other remedy ordered by the court.



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

954 (n) When an agency of the executive branch of state
955 government seeks to acquire real property by purchase or through
956 the exercise of the power of eminent domain all appraisals,
957 other reports relating to value, offers, and counteroffers must
958 be in writing and are exempt from the provisions of subsection
959 (1) and s. 24(a), Art. I of the State Constitution until
960 execution of a valid option contract or a written offer to sell
961 that has been conditionally accepted by the agency, at which
962 time the exemption shall expire. The agency shall not finally
963 accept the offer for a period of 30 days in order to allow
964 public review of the transaction. The agency may give
965 conditional acceptance to any option or offer subject only to
966 final acceptance by the agency after the 30-day review period.
967 If a valid option contract is not executed, or if a written
968 offer to sell is not conditionally accepted by the agency, then
969 the exemption from the provisions of this chapter shall expire
970 at the conclusion of the condemnation litigation of the subject
971 property. An agency of the executive branch may exempt title
972 information, including names and addresses of property owners
973 whose property is subject to acquisition by purchase or through
974 the exercise of the power of eminent domain, from the provisions



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975 of subsection (1) and s. 24(a), Art. I of the State Constitution
 976 to the same extent as appraisals, other reports relating to
 977 value, offers, and counteroffers. For the purpose of this
 978 paragraph, "option contract" means an agreement of an agency of
 979 the executive branch of state government to purchase real
 980 property subject to final agency approval. This paragraph shall
 981 have no application to other exemptions from the provisions of
 982 subsection (1) which are contained in other provisions of law
 983 and shall not be construed to be an express or implied repeal
 984 thereof.

985 (o) Data processing software obtained by an agency under a
 986 licensing agreement which prohibits its disclosure and which
 987 software is a trade secret, as defined in s. 812.081, and
 988 agency-produced data processing software which is sensitive are
 989 exempt from the provisions of subsection (1) and s. 24(a), Art.
 990 I of the State Constitution. The designation of agency-produced
 991 software as sensitive shall not prohibit an agency head from
 992 sharing or exchanging such software with another public agency.

993 ~~As used in this paragraph:~~

994 ~~1. "Data processing software" means the programs and~~
 995 ~~routines used to employ and control the capabilities of data~~
 996 ~~processing hardware, including, but not limited to, operating~~
 997 ~~systems, compilers, assemblers, utilities, library routines,~~
 998 ~~maintenance routines, applications, and computer networking~~
 999 ~~programs.~~

1000 ~~2. "Sensitive" means only those portions of data~~
 1001 ~~processing software, including the specifications and~~
 1002 ~~documentation, used to:~~



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1003 ~~a. Collect, process, store, and retrieve information which~~
1004 ~~is exempt from the provisions of subsection (1);~~

1005 ~~b. Collect, process, store, and retrieve financial~~
1006 ~~management information of the agency, such as payroll and~~
1007 ~~accounting records; or~~

1008 ~~c. Control and direct access authorizations and security~~
1009 ~~measures for automated systems.~~

1010 (p) All complaints and other records in the custody of any
1011 unit of local government which relate to a complaint of
1012 discrimination relating to race, color, religion, sex, national
1013 origin, age, handicap, marital status, sale or rental of
1014 housing, the provision of brokerage services, or the financing
1015 of housing are exempt from the provisions of subsection (1) and
1016 s. 24(a), Art. I of the State Constitution until a finding is
1017 made relating to probable cause, the investigation of the
1018 complaint becomes inactive, or the complaint or other record is
1019 made part of the official record of any hearing or court
1020 proceeding. This provision shall not affect any function or
1021 activity of the Florida Commission on Human Relations. Any
1022 state or federal agency which is authorized to have access to
1023 such complaints or records by any provision of law shall be
1024 granted such access in the furtherance of such agency's
1025 statutory duties, notwithstanding the provisions of this
1026 section. This paragraph shall not be construed to modify or
1027 repeal any special or local act.

1028 (q) All complaints and other records in the custody of any
1029 agency in the executive branch of state government which relate
1030 to a complaint of discrimination relating to race, color,



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1031 religion, sex, national origin, age, handicap, or marital status
 1032 in connection with hiring practices, position classifications,
 1033 salary, benefits, discipline, discharge, employee performance,
 1034 evaluation, or other related activities are exempt from the
 1035 provisions of subsection (1) and s. 24(a), Art. I of the State
 1036 Constitution until a finding is made relating to probable cause,
 1037 the investigation of the complaint becomes inactive, or the
 1038 complaint or other record is made part of the official record of
 1039 any hearing or court proceeding. This provision shall not
 1040 affect any function or activity of the Florida Commission on
 1041 Human Relations. Any state or federal agency which is
 1042 authorized to have access to such complaints or records by any
 1043 provision of law shall be granted such access in the furtherance
 1044 of such agency's statutory duties, notwithstanding the
 1045 provisions of this section.

1046 (r) All records supplied by a telecommunications company,
 1047 as defined by s. 364.02, to a state or local governmental agency
 1048 which contain the name, address, and telephone number of
 1049 subscribers are confidential and exempt from the provisions of
 1050 subsection (1) and s. 24(a), Art. I of the State Constitution.

1051 (s)1. Any document that reveals the identity, home or
 1052 employment telephone number, home or employment address, or
 1053 personal assets of the victim of a crime and identifies that
 1054 person as the victim of a crime, which document is received by
 1055 any agency that regularly receives information from or
 1056 concerning the victims of crime, is exempt from the provisions
 1057 of subsection(1) and s. 24(a), Art. I of the State Constitution.
 1058 Any information not otherwise held ~~confidential~~ or exempt or



1059 confidential from the provisions of subsection (1) which reveals
 1060 the home or employment telephone number, home or employment
 1061 address, or personal assets of a person who has been the victim
 1062 of sexual battery, aggravated child abuse, aggravated stalking,
 1063 harassment, aggravated battery, or domestic violence is exempt
 1064 from the provisions of subsection (1) and s. 24(a), Art. I of
 1065 the State Constitution, upon written request by the victim,
 1066 which must include official verification that an applicable
 1067 crime has occurred. Such information shall cease to be exempt 5
 1068 years after the receipt of the written request. Any state or
 1069 federal agency that is authorized to have access to such
 1070 documents by any provision of law shall be granted such access
 1071 in the furtherance of such agency's statutory duties,
 1072 notwithstanding the provisions of this section.

1073 2. Any information in a videotaped statement of a minor
 1074 who is alleged to be or who is a victim of sexual battery, lewd
 1075 acts, or other sexual misconduct proscribed in chapter 800 or in
 1076 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
 1077 847.0133, or s. 847.0145, which reveals that minor's identity,
 1078 including, but not limited to, the minor's face; the minor's
 1079 home, school, church, or employment telephone number; the
 1080 minor's home, school, church, or employment address; the name of
 1081 the minor's school, church, or place of employment; or the
 1082 personal assets of the minor; and which identifies that minor as
 1083 the victim of a crime described in this subparagraph, is
 1084 confidential and exempt from subsection (1) and s. 24(a), Art. I
 1085 of the State Constitution. Any governmental agency that is
 1086 authorized to have access to such statements by any provision of



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1087 law shall be granted such access in the furtherance of the
1088 agency's statutory duties, notwithstanding the provisions of
1089 this section. This subparagraph is subject to the Open
1090 Government Sunset Review Act of 1995 in accordance with s.
1091 119.15, and shall stand repealed on October 2, 2003.

1092 3. A public employee or officer who has access to the
1093 videotaped statement of a minor who is alleged to be or who is a
1094 victim of sexual battery, lewd acts, or other sexual misconduct
1095 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
1096 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145,
1097 may not willfully and knowingly disclose videotaped information
1098 that reveals that minor's identity to a person who is not
1099 assisting in the investigation or prosecution of the alleged
1100 offense or to any person other than the defendant, the
1101 defendant's attorney, or a person specified in an order entered
1102 by the court having jurisdiction of the alleged offense.

1103 4. A person who violates subparagraph 3. commits a
1104 misdemeanor of the first degree, punishable as provided in s.
1105 775.082 or s. 775.083.

1106 (t) Any financial statement which an agency requires a
1107 prospective bidder to submit in order to prequalify for bidding
1108 or for responding to a proposal for a road or any other public
1109 works project is exempt from the provisions of subsection (1)
1110 and s. 24(a), Art. I of the State Constitution.

1111 (u) Where the alleged victim chooses not to file a
1112 complaint and requests that records of the complaint remain
1113 confidential, all records relating to an allegation of
1114 employment discrimination are confidential and exempt from the



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1115 provisions of subsection (1) and s. 24(a), Art. I of the State
1116 Constitution.

1117 (v) Medical information pertaining to a prospective,
1118 current, or former officer or employee of an agency which, if
1119 disclosed, would identify that officer or employee is exempt
1120 from the provisions of subsection(1) and s. 24(a), Art. I of the
1121 State Constitution. However, such information may be disclosed
1122 if the person to whom the information pertains or the person's
1123 legal representative provides written permission or pursuant to
1124 court order.

1125 (w)1. If certified pursuant to subparagraph 2., an
1126 investigatory record of the Chief Inspector General within the
1127 Executive Office of the Governor or of the employee designated
1128 by an agency head as the agency inspector general under s.
1129 112.3189 is exempt from the provisions of subsection (1) and s.
1130 24(a), Art. I of the State Constitution until the investigation
1131 ceases to be active, or a report detailing the investigation is
1132 provided to the Governor or the agency head, or 60 days from the
1133 inception of the investigation for which the record was made or
1134 received, whichever first occurs. Investigatory records are
1135 those records which are related to the investigation of an
1136 alleged, specific act or omission or other wrongdoing, with
1137 respect to an identifiable person or group of persons, based on
1138 information compiled by the Chief Inspector General or by an
1139 agency inspector general, as named under the provisions of s.
1140 112.3189, in the course of an investigation. An investigation is
1141 active if it is continuing with a reasonable, good faith
1142 anticipation of resolution and with reasonable dispatch.



1143 2. The Governor, in the case of the Chief Inspector
1144 General, or agency head, in the case of an employee designated
1145 as the agency inspector general under s. 112.3189, may certify
1146 such investigatory records require an exemption to protect the
1147 integrity of the investigation or avoid unwarranted damage to an
1148 individual's good name or reputation. The certification shall
1149 specify the nature and purpose of the investigation and shall be
1150 kept with the exempt records and made public when the records
1151 are made public.

1152 3. The provisions of this paragraph do not apply to
1153 whistle-blower investigations conducted pursuant to the
1154 provisions of ss. 112.3187, 112.3188, 112.3189, and 112.31895.

1155 (x) The social security numbers of all current and former
1156 agency employees which numbers are contained in agency
1157 employment records are exempt from subsection(1) and ~~exempt from~~
1158 s. 24(a), Art. I of the State Constitution. As used in this
1159 paragraph, the term "agency" means an agency as defined in s.
1160 119.011.

1161 (y) The audit report of an internal auditor prepared for
1162 or on behalf of a unit of local government becomes a public
1163 record when the audit becomes final. As used in this paragraph,
1164 "unit of local government" means a county, municipality, special
1165 district, local agency, authority, consolidated city-county
1166 government, or any other local governmental body or public body
1167 corporate or politic authorized or created by general or special
1168 law. An audit becomes final when the audit report is presented
1169 to the unit of local government. Audit workpapers and notes
1170 related to such audit report are confidential and exempt from



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1171 the provisions of subsection(1) and s. 24(a), Art. I of the
1172 State Constitution until the audit is completed and the audit
1173 report becomes final.

1174 (z) Any data, record, or document used directly or solely
1175 by a municipally owned utility to prepare and submit a bid
1176 relative to the sale, distribution, or use of any service,
1177 commodity, or tangible personal property to any customer or
1178 prospective customer shall be exempt from the provisions of
1179 subsection (1) and s. 24(a), Art. I of the State Constitution.
1180 This exemption commences when a municipal utility identifies in
1181 writing a specific bid to which it intends to respond. This
1182 exemption no longer applies when the contract for sale,
1183 distribution, or use of the service, commodity, or tangible
1184 personal property is executed, a decision is made not to execute
1185 such contract, or the project is no longer under active
1186 consideration. The exemption in this paragraph includes the bid
1187 documents actually furnished in response to the request for
1188 bids. However, the exemption for the bid documents submitted no
1189 longer applies after the bids are opened by the customer or
1190 prospective customer.

1191 (aa) Upon a request made in a form designated by the
1192 Department of Highway Safety and Motor Vehicles, personal
1193 information contained in a motor vehicle record that identifies
1194 the requester is exempt from subsection(1) and s. 24(a), Art. I
1195 of the State Constitution except as provided in this paragraph.
1196 Personal information includes, but is not limited to, the
1197 requester's social security number, driver identification
1198 number, name, address, telephone number, and medical or



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1199 disability information. For purposes of this paragraph,
1200 personal information does not include information relating to
1201 vehicular crashes, driving violations, and driver's status.
1202 Such request may be made only by the person who is the subject
1203 of the motor vehicle record. For purposes of this paragraph,
1204 "motor vehicle record" means any record that pertains to a motor
1205 vehicle operator's permit, motor vehicle title, motor vehicle
1206 registration, or identification card issued by the Department of
1207 Highway Safety and Motor Vehicles. Personal information
1208 contained in motor vehicle records exempted by an individual's
1209 request pursuant to this paragraph shall be released by the
1210 department for any of the following uses:

1211 1. For use in connection with matters of motor vehicle or
1212 driver safety and theft; motor vehicle emissions; motor vehicle
1213 product alterations, recalls, or advisories; performance
1214 monitoring of motor vehicles and dealers by motor vehicle
1215 manufacturers; and removal of nonowner records from the original
1216 owner records of motor vehicle manufacturers, to carry out the
1217 purposes of the Automobile Information Disclosure Act, the Motor
1218 Vehicle Information and Cost Saving Act, the National Traffic
1219 and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of
1220 1992, and the Clean Air Act.

1221 2. For use by any government agency, including any court
1222 or law enforcement agency, in carrying out its functions, or any
1223 private person or entity acting on behalf of a federal, state,
1224 or local agency in carrying out its functions.

1225 3. For use in connection with matters of motor vehicle or
1226 driver safety and theft; motor vehicle emissions; motor vehicle



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1227 product alterations, recalls, or advisories; performance
1228 monitoring of motor vehicles, motor vehicle parts, and dealers;
1229 motor vehicle market research activities, including survey
1230 research; and removal of nonowner records from the original
1231 owner records of motor vehicle manufacturers.

1232 4. For use in the normal course of business by a
1233 legitimate business or its agents, employees, or contractors,
1234 but only:

1235 a. To verify the accuracy of personal information
1236 submitted by the individual to the business or its agents,
1237 employees, or contractors; and

1238 b. If such information as so submitted is not correct or
1239 is no longer correct, to obtain the correct information, but
1240 only for the purposes of preventing fraud by, pursuing legal
1241 remedies against, or recovering on a debt or security interest
1242 against, the individual.

1243 5. For use in connection with any civil, criminal,
1244 administrative, or arbitral proceeding in any court or agency or
1245 before any self-regulatory body for:

1246 a. Service of process by any certified process server,
1247 special process server, or other person authorized to serve
1248 process in this state.

1249 b. Investigation in anticipation of litigation by an
1250 attorney licensed to practice law in this state or the agent of
1251 the attorney.

1252 c. Investigation by any person in connection with any
1253 filed proceeding.



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1254 d. Execution or enforcement of judgments and orders. e.
1255 Compliance with an order of any court.

1256 6. For use in research activities and for use in producing
1257 statistical reports, so long as the personal information is not
1258 published, redisclosed, or used to contact individuals.

1259 7. For use by any insurer or insurance support
1260 organization, or by a self-insured entity, or its agents,
1261 employees, or contractors, in connection with claims
1262 investigation activities, anti-fraud activities, rating, or
1263 underwriting.

1264 8. For use in providing notice to the owners of towed or
1265 impounded vehicles.

1266 9. For use by any licensed private investigative agency or
1267 licensed security service for any purpose permitted under this
1268 paragraph. Personal information obtained based on an exempt
1269 driver's record may not be provided to a client who cannot
1270 demonstrate a need based on a police report, court order, or a
1271 business or personal relationship with the subject of the
1272 investigation.

1273 10. For use by an employer or its agent or insurer to
1274 obtain or verify information relating to a holder of a
1275 commercial driver's license that is required under the
1276 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.
1277 2710 et seq.

1278 11. For use in connection with the operation of private
1279 toll transportation facilities.



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1280 12. For bulk distribution for surveys, marketing, or
1281 solicitations when the department has implemented methods and
1282 procedures to ensure that:

1283 a. Individuals are provided an opportunity, in a clear and
1284 conspicuous manner, to prohibit such uses; and

1285 b. The information will be used, rented, or sold solely
1286 for bulk distribution for survey, marketing, and solicitations,
1287 and that surveys, marketing, and solicitations will not be
1288 directed at those individuals who have timely requested that
1289 they not be directed at them.

1290 13. For any use if the requesting person demonstrates that
1291 he or she has obtained the written consent of the person who is
1292 the subject of the motor vehicle record.

1293 14. For any other use specifically authorized by state
1294 law, if such use is related to the operation of a motor vehicle
1295 or public safety.

1296
1297 Personal information exempted from public disclosure according
1298 to this paragraph may be disclosed by the Department of Highway
1299 Safety and Motor Vehicles to an individual, firm, corporation,
1300 or similar business entity whose primary business interest is to
1301 resell or redisclose the personal information to persons who are
1302 authorized to receive such information. Prior to the
1303 department's disclosure of personal information, such
1304 individual, firm, corporation, or similar business entity must
1305 first enter into a contract with the department regarding the
1306 care, custody, and control of the personal information to ensure
1307 compliance with the federal Driver's Privacy Protection Act of



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1308 1994 and applicable state laws. An authorized recipient of
1309 personal information contained in a motor vehicle record, except
1310 a recipient under subparagraph 12., may contract with the
1311 Department of Highway Safety and Motor Vehicles to resell or
1312 redisclose the information for any use permitted under this
1313 paragraph. However, only authorized recipients of personal
1314 information under subparagraph 12. may resell or redisclose
1315 personal information pursuant to subparagraph 12. Any
1316 authorized recipient who resells or rediscloses personal
1317 information shall maintain, for a period of 5 years, records
1318 identifying each person or entity that receives the personal
1319 information and the permitted purpose for which it will be used.
1320 Such records shall be made available for inspection upon request
1321 by the department. The department shall adopt rules to carry out
1322 the purposes of this paragraph and the federal Driver's Privacy
1323 Protection Act of 1994, Title XXX, Pub. L. No. 103-322. Rules
1324 adopted by the department shall provide for the payment of
1325 applicable fees and, prior to the disclosure of personal
1326 information pursuant to this paragraph, shall require the
1327 meeting of conditions by the requesting person for the purposes
1328 of obtaining reasonable assurance concerning the identity of
1329 such requesting person, and, to the extent required, assurance
1330 that the use will be only as authorized or that the consent of
1331 the person who is the subject of the personal information has
1332 been obtained. Such conditions may include, but need not be
1333 limited to, the making and filing of a written application in
1334 such form and containing such information and certification
1335 requirements as the department requires.



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1336 (bb)1. Medical history records, bank account numbers,
1337 credit card numbers, telephone numbers, and information related
1338 to health or property insurance furnished by an individual to
1339 any agency pursuant to federal, state, or local housing
1340 assistance programs are confidential and exempt from the
1341 provisions of subsection (1) and s. 24(a), Art. I of the State
1342 Constitution. Any other information produced or received by any
1343 private or public entity in direct connection with federal,
1344 state, or local housing assistance programs, unless the subject
1345 of another federal or state exemption, is subject to subsection
1346 (1).

1347 2. Governmental agencies or their agents are entitled to
1348 access to the records specified in this paragraph for the
1349 purposes of auditing federal, state, or local housing programs
1350 or housing assistance programs. Such records may be used by an
1351 agency, as needed, in any administrative or judicial proceeding,
1352 provided such records are kept confidential and exempt, unless
1353 otherwise ordered by a court.

1354 3. This paragraph is repealed effective October 2, 2003,
1355 and must be reviewed by the Legislature before that date in
1356 accordance with s. 119.15, the Open Government Sunset Review Act
1357 of 1995.

1358 (cc) All personal identifying information; bank account
1359 numbers; and debit, charge, and credit card numbers contained in
1360 records relating to an individual's personal health or
1361 eligibility for health-related services made or received by the
1362 Department of Health or its service providers are confidential
1363 and exempt from the provisions of subsection (1) and s. 24(a),



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1364 Art. I of the State Constitution, except as otherwise provided
1365 in this paragraph. Information made confidential and exempt by
1366 this paragraph shall be disclosed:

1367 1. With the express written consent of the individual or
1368 the individual's legally authorized representative.

1369 2. In a medical emergency, but only to the extent
1370 necessary to protect the health or life of the individual.

1371 3. By court order upon a showing of good cause.

1372 4. To a health research entity, if the entity seeks the
1373 records or data pursuant to a research protocol approved by the
1374 department, maintains the records or data in accordance with the
1375 approved protocol, and enters into a purchase and data-use
1376 agreement with the department, the fee provisions of which are
1377 consistent with subsection (4) ~~paragraph (1)(a)~~. The department
1378 may deny a request for records or data if the protocol provides
1379 for intrusive follow-back contacts, has not been approved by a
1380 human studies institutional review board, does not plan for the
1381 destruction of confidential records after the research is
1382 concluded, is administratively burdensome, or does not have
1383 scientific merit. The agreement must restrict the release of
1384 any information, which would permit the identification of
1385 persons, limit the use of records or data to the approved
1386 research protocol, and prohibit any other use of the records or
1387 data. Copies of records or data issued pursuant to this
1388 subparagraph remain the property of the department.

1389
1390 This paragraph is subject to the Open Government Sunset Review
1391 Act of 1995, in accordance with s. 119.15, and shall stand



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1392 repealed on October 2, 2006, unless reviewed and saved from
1393 repeal through reenactment by the Legislature.

1394 (dd) Bank account numbers and debit, charge, and credit
1395 card numbers held by an agency are exempt from subsection (1)
1396 and s. 24(a), Art. I of the State Constitution. This exemption
1397 applies to bank account numbers and debit, charge, and credit
1398 card numbers held by an agency before, on, or after the
1399 effective date of this exemption. This paragraph is subject to
1400 the Open Government Sunset Review Act of 1995 in accordance with
1401 s. 119.15, and shall stand repealed on October 2, 2007, unless
1402 reviewed and saved from repeal through reenactment by the
1403 Legislature.

1404 (ee) Building plans, blueprints, schematic drawings, and
1405 diagrams, including draft, preliminary, and final formats, which
1406 depict the internal layout and structural elements of a
1407 building, arena, stadium, water treatment facility, or other
1408 structure owned or operated by an agency as defined in s.
1409 119.011 are exempt from the provisions of subsection (1) and s.
1410 24(a), Art. I of the State Constitution. This exemption applies
1411 to building plans, blueprints, schematic drawings, and diagrams,
1412 including draft, preliminary, and final formats, which depict
1413 the internal layout and structural elements of a building,
1414 arena, stadium, water treatment facility, or other structure
1415 owned or operated by an agency before, on, or after the
1416 effective date of this act. Information made exempt by this
1417 paragraph may be disclosed to another governmental entity if
1418 disclosure is necessary for the receiving entity to perform its
1419 duties and responsibilities; to a licensed architect, engineer,



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1420 or contractor who is performing work on or related to the
1421 building, arena, stadium, water treatment facility, or other
1422 structure owned or operated by an agency; or upon a showing of
1423 good cause before a court of competent jurisdiction. The
1424 entities or persons receiving such information shall maintain
1425 the exempt status of the information. This paragraph is subject
1426 to the Open Government Sunset Review Act of 1995 in accordance
1427 with s. 119.15, and shall stand repealed on October 2, 2007,
1428 unless reviewed and reenacted by the Legislature.

1429 (ff)1. Until January 1, 2006, if a social security number,
1430 made confidential and exempt pursuant to s. 119.0721 ~~119.072,~~
1431 ~~created pursuant to s. 1, ch. 2002-256, passed during the 2002~~
1432 ~~regular legislative session,~~ or a complete bank account, debit,
1433 charge, or credit card number made exempt pursuant to s.
1434 119.07(6)(dd)(ee), ~~created pursuant to s. 1, ch. 2002-257,~~
1435 ~~passed during the 2002 regular legislative session,~~ is or has
1436 been included in a court file, such number may be included as
1437 part of the court record available for public inspection and
1438 copying unless redaction is requested by the holder of such
1439 number, or by the holder's attorney or legal guardian, in a
1440 signed, legibly written request specifying the case name, case
1441 number, document heading, and page number. The request must be
1442 delivered by mail, facsimile, electronic transmission, or in
1443 person to the clerk of the circuit court. The clerk of the
1444 circuit court does not have a duty to inquire beyond the written
1445 request to verify the identity of a person requesting redaction.
1446 A fee may not be charged for the redaction of a social security



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1447 number or a bank account, debit, charge, or credit card number
1448 pursuant to such request.

1449 2. Any person who prepares or files a document to be
1450 recorded in the official records by the county recorder as
1451 provided in chapter 28 may not include a person's social
1452 security number or complete bank account, debit, charge, or
1453 credit card number in that document unless otherwise expressly
1454 required by law. Until January 1, 2006, if a social security
1455 number or a complete bank account, debit, charge or credit card
1456 number is or has been included in a document presented to the
1457 county recorder for recording in the official records of the
1458 county, such number may be made available as part of the
1459 official record available for public inspection and copying. Any
1460 person, or his or her attorney or legal guardian, may request
1461 that a county recorder remove from an image or copy of an
1462 official record placed on a county recorder's publicly available
1463 Internet website, or a publicly available Internet website used
1464 by a county recorder to display public records outside the
1465 office or otherwise made electronically available outside the
1466 county recorder's office to the general public, his or her
1467 social security number or complete bank account, debit, charge,
1468 or credit card number contained in that official record. Such
1469 request must be legibly written, signed by the requester, and
1470 delivered by mail, facsimile, electronic transmission, or in
1471 person to the county recorder. The request must specify the
1472 identification page number of the document that contains the
1473 number to be redacted. The county recorder does not have a duty
1474 to inquire beyond the written request to verify the identity of



1475 a person requesting redaction. A fee may not be charged for
1476 redacting such numbers.

1477 3. Upon the effective date of this act, subsections(3) and
1478 (4) of s. 119.0721 ~~119.072~~, do not apply to the clerks of the
1479 circuit court or the county recorder with respect to court
1480 records and official records.

1481 4. On January 1, 2006, and thereafter, the clerk of the
1482 circuit court and the county recorder must keep complete bank
1483 account, debit, charge, and credit card numbers exempt as
1484 provided for in s. 119.07 (6)(dd) ~~(3)(ee)~~, and must keep social
1485 security numbers confidential and exempt as provided for in s.
1486 119.0721 ~~119.072~~, without any person having to request
1487 redaction.

1488 (gg) Any videotape or video signal which, under an
1489 agreement with an agency, is produced, made, or received by, or
1490 is in the custody of, a federally licensed radio or television
1491 station or its agent is exempt from this chapter.

1492 ~~(7)(4)~~ Nothing in this section shall be construed to
1493 exempt from subsection(1) a public record which was made a part
1494 of a court file and which is not specifically closed by order of
1495 court, except as provided in paragraphs (c), (d),(e), (k), (l),
1496 and (o) of subsection (6) ~~(3)~~ and except information or records
1497 which may reveal the identity of a person who is a victim of a
1498 sexual offense as provided in paragraph (f) of subsection (6)
1499 ~~(3)~~.

1500 ~~(5) An exemption from this section does not imply an~~
1501 ~~exemption from or exception to s. 286.011. The exemption from~~
1502 ~~or exception to s. 286.011 must be expressly provided.~~



1503 (8)~~(6)~~ Nothing in subsection (6) ~~(3)~~ or any other general
 1504 or special law shall limit the access of the Auditor General,
 1505 the Office of Program Policy Analysis and Government
 1506 Accountability, or any state, county, municipal, university,
 1507 board of community college, school district, or special district
 1508 internal auditor to public records when such person states in
 1509 writing that such records are needed for a properly authorized
 1510 audit, examination, or investigation. Such person shall
 1511 maintain the exempt or confidential status ~~confidentiality~~ of a
 1512 any public record ~~records~~ that is exempt or ~~are~~ confidential or
 1513 ~~exempt~~ from the provisions of subsection (1) and shall be
 1514 subject to the same penalties as the custodian ~~eustodians~~ of
 1515 that record ~~those public records~~ for public disclosure of such
 1516 record ~~violating confidentiality~~.

1517 ~~(7)(a) Any person or organization, including the~~
 1518 ~~Department of Children and Family Services, may petition the~~
 1519 ~~court for an order making public the records of the Department~~
 1520 ~~of Children and Family Services that pertain to investigations~~
 1521 ~~of alleged abuse, neglect, abandonment, or exploitation of a~~
 1522 ~~child or a vulnerable adult. The court shall determine if good~~
 1523 ~~cause exists for public access to the records sought or a~~
 1524 ~~portion thereof. In making this determination, the court shall~~
 1525 ~~balance the best interest of the vulnerable adult or child who~~
 1526 ~~is the focus of the investigation, and in the case of the child,~~
 1527 ~~the interest of that child's siblings, together with the privacy~~
 1528 ~~right of other persons identified in the reports against the~~
 1529 ~~public interest. The public interest in access to such records~~
 1530 ~~is reflected in s. 119.01(1), and includes the need for citizens~~



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1531 ~~to know of and adequately evaluate the actions of the Department~~
1532 ~~of Children and Family Services and the court system in~~
1533 ~~providing vulnerable adults and children of this state with the~~
1534 ~~protections enumerated in ss. 39.001 and 415.101. However, this~~
1535 ~~subsection does not contravene ss. 39.202 and 415.107, which~~
1536 ~~protect the name of any person reporting the abuse, neglect, or~~
1537 ~~exploitation of a child or a vulnerable adult.~~

1538 ~~(b) In cases involving serious bodily injury to a child or~~
1539 ~~a vulnerable adult, the Department of Children and Family~~
1540 ~~Services may petition the court for an order for the immediate~~
1541 ~~public release of records of the department which pertain to the~~
1542 ~~protective investigation. The petition must be personally~~
1543 ~~served upon the child or vulnerable adult, the child's parents~~
1544 ~~or guardian, the legal guardian of that person, if any, and any~~
1545 ~~person named as an alleged perpetrator in the report of abuse,~~
1546 ~~neglect, abandonment, or exploitation. The court must determine~~
1547 ~~if good cause exists for the public release of the records~~
1548 ~~sought no later than 24 hours, excluding Saturdays, Sundays, and~~
1549 ~~legal holidays, after the date the department filed the petition~~
1550 ~~with the court. If the court has neither granted nor denied the~~
1551 ~~petition within the 24-hour time period, the department may~~
1552 ~~release to the public summary information including:~~

1553 ~~1. A confirmation that an investigation has been conducted~~
1554 ~~concerning the alleged victim.~~

1555 ~~2. The dates and brief description of procedural~~
1556 ~~activities undertaken during the department's investigation.~~



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1557 ~~3. The date of each judicial proceeding, a summary of each~~
1558 ~~participant's recommendations made at the judicial proceedings,~~
1559 ~~and the rulings of the court.~~

1560

1561 ~~The summary information may not include the name of, or other~~
1562 ~~identifying information with respect to, any person identified~~
1563 ~~in any investigation. In making a determination to release~~
1564 ~~confidential information, the court shall balance the best~~
1565 ~~interests of the vulnerable adult or child who is the focus of~~
1566 ~~the investigation and, in the case of the child, the interests~~
1567 ~~of that child's siblings, together with the privacy rights of~~
1568 ~~other persons identified in the reports against the public~~
1569 ~~interest for access to public records. However, this paragraph~~
1570 ~~does not contravene ss. 39.202 and 415.107, which protect the~~
1571 ~~name of any person reporting abuse, neglect, or exploitation of~~
1572 ~~a child or a vulnerable adult.~~

1573 ~~(c) When the court determines that good cause for public~~
1574 ~~access exists, the court shall direct that the department redact~~
1575 ~~the name of and other identifying information with respect to~~
1576 ~~any person identified in any protective investigation report~~
1577 ~~until such time as the court finds that there is probable cause~~
1578 ~~to believe that the person identified committed an act of~~
1579 ~~alleged abuse, neglect, or abandonment.~~

1580 ~~(9)(8)~~ The provisions of this section are not intended to
1581 expand or limit the provisions of Rule 3.220, Florida Rules of
1582 Criminal Procedure, regarding the right and extent of discovery
1583 by the state or by a defendant in a criminal prosecution or in
1584 collateral postconviction proceedings. This section may not be



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1585 used by any inmate as the basis for failing to timely litigate
1586 any postconviction action.

1587 Section 9. Section 119.08, Florida Statutes, is repealed.

1588 Section 10. Section 119.084, Florida Statutes, is amended
1589 to read:

1590 119.084 Definitions; copyright of data processing software
1591 created by governmental agencies; sale price and licensing fee;
1592 ~~access to public records; prohibited contracts.--~~

1593 (1) As used in this section, the term:

1594 (a) "agency" has the same meaning as in s. 119.011(2),
1595 except that the term does not include any private agency,
1596 person, partnership, corporation, or business entity.

1597 ~~(b) "Data processing software" means the programs and
1598 routines used to employ and control the capabilities of data
1599 processing hardware, including, but not limited to, operating
1600 systems, compilers, assemblers, utilities, library routines,
1601 maintenance routines, applications, and computer networking
1602 programs.~~

1603 ~~(c) "Proprietary software" means data processing software
1604 that is protected by copyright or trade secret laws.~~

1605 (2) Any agency is authorized to acquire and hold
1606 copyrights for data processing software created by the agency
1607 and to enforce its rights pertaining to such copyrights,
1608 provided that the agency complies with the requirements of this
1609 section.

1610 (a) Any agency that has acquired a copyright for data
1611 processing software created by the agency may sell or license
1612 the copyrighted data processing software to any public agency or



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1613 private person and may establish a price for the sale and a
1614 license fee for the use of such data processing software.
1615 Proceeds from the sale or licensing of copyrighted data
1616 processing software shall be deposited by the agency into a
1617 trust fund for the agency's appropriate use for authorized
1618 purposes. Counties, municipalities, and other political
1619 subdivisions of the state may designate how such sale and
1620 licensing proceeds are to be used. The price for the sale of
1621 and the fee for the licensing of copyrighted data processing
1622 software may be based on market considerations. However, the
1623 prices or fees for the sale or licensing of copyrighted data
1624 processing software to an individual or entity solely for
1625 application to information maintained or generated by the agency
1626 that created the copyrighted data processing software shall be
1627 determined pursuant to s. 119.07 (4)~~(1)~~.

1628 (b) The provisions of this subsection are supplemental to,
1629 and shall not supplant or repeal, any other provision of law
1630 that authorizes an agency to acquire and hold copyrights.

1631 ~~(3) Subject to the restrictions of copyright and trade~~
1632 ~~secret laws and public records exemptions, agency use of~~
1633 ~~proprietary software must not diminish the right of the public~~
1634 ~~to inspect and copy a public record.~~

1635 ~~(4) An agency must consider when designing or acquiring an~~
1636 ~~electronic recordkeeping system that such system is capable of~~
1637 ~~providing data in some common format such as, but not limited~~
1638 ~~to, the American Standard Code for Information Interchange.~~

1639 ~~(5) Each agency that maintains a public record in an~~
1640 ~~electronic recordkeeping system shall provide to any person,~~



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1641 ~~pursuant to this chapter, a copy of any public record in that~~
1642 ~~system which is not exempted by law from public disclosure. An~~
1643 ~~agency must provide a copy of the record in the medium requested~~
1644 ~~if the agency maintains the record in that medium, and the~~
1645 ~~agency may charge a fee which shall be in accordance with this~~
1646 ~~chapter. For the purpose of satisfying a public records request,~~
1647 ~~the fee to be charged by an agency if it elects to provide a~~
1648 ~~copy of a public record in a medium not routinely used by the~~
1649 ~~agency, or if it elects to compile information not routinely~~
1650 ~~developed or maintained by the agency or that requires a~~
1651 ~~substantial amount of manipulation or programming, must be in~~
1652 ~~accordance with s. 119.07(1)(b).~~

1653 ~~(6) An agency may not enter into a contract for the~~
1654 ~~creation or maintenance of a public records database if that~~
1655 ~~contract impairs the ability of the public to inspect or copy~~
1656 ~~the public records of that agency, including public records that~~
1657 ~~are on-line or stored in an electronic recordkeeping system used~~
1658 ~~by the agency. Such contract may not allow any impediment that~~
1659 ~~as a practical matter makes it more difficult for the public to~~
1660 ~~inspect or copy the records than to inspect or copy the agency's~~
1661 ~~records. The fees and costs for the production of such records~~
1662 ~~may not be more than the fees or costs charged by the agency.~~

1663 ~~(3)(7)~~ This section is subject to the Open Government
1664 Sunset Review Act of 1995 in accordance with s. 119.15 and shall
1665 stand repealed on October 2, 2006, unless reviewed and saved
1666 from repeal through reenactment by the Legislature.

1667 Section 11. Sections 119.085 and 119.09, Florida Statutes,
1668 are repealed.



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1669 Section 12. Section 119.10, Florida Statutes, is amended
1670 to read:

1671 119.10 Violation of chapter; penalties.--

1672 (1) Any public officer who violates any provision of this
1673 chapter is guilty of a noncriminal infraction, punishable by
1674 fine not exceeding \$500.

1675 (2) Any person who willfully and knowingly violates:
1676 ~~violating~~

1677 (a) Any of the provisions of this chapter commits is
1678 ~~guilty of~~ a misdemeanor of the first degree, punishable as
1679 provided in s. 775.082 or s. 775.083.

1680 (b)(3) Section ~~Any person who willfully and knowingly~~
1681 ~~violates s.~~ 119.105 commits a felony of the third degree,
1682 punishable as provided in s. 775.082, s. 775.083, or s.775.084.

1683 Section 13. Section 119.105, Florida Statutes, is amended
1684 to read:

1685 119.105 Protection of victims of crimes or
1686 accidents.--Police reports are public records except as
1687 otherwise made exempt or confidential ~~by general or special law.~~
1688 Every person is allowed to examine nonexempt or nonconfidential
1689 police reports. No person who inspects or copies police reports
1690 for the purpose of obtaining the names and addresses of the
1691 victims of crimes or accidents shall use any information
1692 contained therein for any commercial solicitation of the victims
1693 or relatives of the victims of the reported crimes or accidents.
1694 Nothing herein shall prohibit the publication of such
1695 information by any news media or the use of such information for
1696 any other data collection or analysis purposes.



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1697 Section 14. Paragraph (a) of subsection (1) of section
1698 120.55, Florida Statutes, is amended to read:

1699 120.55 Publication.--

1700 (1) The Department of State shall:

1701 (a)1. Through a continuous revision system, compile and
1702 publish the "Florida Administrative Code." The Florida
1703 Administrative Code shall contain ~~Publish in a permanent~~
1704 ~~compilation entitled "Florida Administrative Code"~~ all rules
1705 adopted by each agency, citing the specific rulemaking authority
1706 pursuant to which each rule was adopted, all history notes as
1707 authorized in s. 120.545(9), and complete indexes to all rules
1708 contained in the code. Supplementation shall be made as often
1709 as practicable, but at least monthly. The department may
1710 contract with a publishing firm for the publication, in a timely
1711 and useful form, of the Florida Administrative Code; however,
1712 the department shall retain responsibility for the code as
1713 provided in this section. This publication shall be the
1714 official compilation of the administrative rules of this state.
1715 The Department of State shall retain the copyright over the
1716 Florida Administrative Code.

1717 2. Rules general in form but applicable to only one school
1718 district, community college district, or county, or a part
1719 thereof, or state university rules relating to internal
1720 personnel or business and finance shall not be published in the
1721 Florida Administrative Code. Exclusion from publication in the
1722 Florida Administrative Code shall not affect the validity or
1723 effectiveness of such rules.



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1724 3. At the beginning of the section of the code dealing
1725 with an agency that files copies of its rules with the
1726 department, the department shall publish the address and
1727 telephone number of the executive offices of each agency, the
1728 manner by which the agency indexes its rules, a listing of all
1729 rules of that agency excluded from publication in the code, and
1730 a statement as to where those rules may be inspected.

1731 4. Forms shall not be published in the Florida
1732 Administrative Code; but any form which an agency uses in its
1733 dealings with the public, along with any accompanying
1734 instructions, shall be filed with the committee before it is
1735 used. Any form or instruction which meets the definition of
1736 "rule" provided in s. 120.52 shall be incorporated by reference
1737 into the appropriate rule. The reference shall specifically
1738 state that the form is being incorporated by reference and shall
1739 include the number, title, and effective date of the form and an
1740 explanation of how the form may be obtained.

1741 Section 15. Paragraph (b) of subsection (2) of section
1742 257.36, Florida Statutes, is amended to read:

1743 257.36 Records and information management.--

1744 (2)

1745 (b) Title to any record detained in any records center
1746 shall remain in the agency transferring such record to the
1747 division. When the Legislature transfers any duty or
1748 responsibility of an agency to another agency, the receiving
1749 agency shall be the custodian of public records with regard to
1750 the public records associated with that transferred duty or
1751 responsibility and shall be responsible for the records storage



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1752 service charges of the division. If an agency is dissolved and
 1753 the legislation dissolving that agency does not assign an
 1754 existing agency as the custodian of public records for the
 1755 dissolved agency's records, then the Cabinet is the custodian of
 1756 public records for the dissolved agency, unless the Cabinet
 1757 otherwise designates a custodian. The Cabinet or the agency
 1758 designated by the Cabinet shall be responsible for the records
 1759 storage service charges of the division.

1760 Section 16. Subsection (5) of section 328.15, Florida
 1761 Statutes, is amended to read:

1762 328.15 Notice of lien on vessel; recording.--

1763 (5) The Department of Highway Safety and Motor Vehicles
 1764 shall make such rules and regulations as it deems necessary or
 1765 proper for the effective administration of this law. The
 1766 department may by rule require that a notice of satisfaction of
 1767 a lien be notarized. The department shall prepare the forms of
 1768 the notice of lien and the satisfaction of lien to be supplied,
 1769 at a charge not to exceed 50 percent more than cost, to
 1770 applicants for recording the liens or satisfactions and shall
 1771 keep a ~~permanent~~ record of such notices of lien and
 1772 satisfactions available for inspection by the public at all
 1773 reasonable times. The division is authorized to furnish
 1774 certified copies of such satisfactions for a fee of \$1, which
 1775 certified copies shall be admissible in evidence in all courts
 1776 of this state under the same conditions and to the same effect
 1777 as certified copies of other public records.

1778 Section 17. Subsection (4) of section 372.5717, Florida
 1779 Statutes, is amended to read:



1780 372.5717 Hunter safety course; requirements; penalty.--
 1781 (4) The commission shall issue a permanent hunter safety
 1782 certification card to each person who successfully completes the
 1783 hunter safety course. The commission shall maintain ~~permanent~~
 1784 records of hunter safety certification cards issued and shall
 1785 establish procedures for replacing lost or destroyed cards.

1786 Section 18. Section 415.1071, Florida Statutes, is created
 1787 to read:

1788 415.1071 Release of confidential information.--

1789 (1) Any person or organization, including the Department
 1790 of Children and Family Services, may petition the court for an
 1791 order making public the records of the Department of Children
 1792 and Family Services that pertain to investigations of alleged
 1793 abuse, neglect, or exploitation of a vulnerable adult. The court
 1794 shall determine whether good cause exists for public access to
 1795 the records sought or a portion thereof. In making this
 1796 determination, the court shall balance the best interest of the
 1797 vulnerable adult who is the focus of the investigation, together
 1798 with the privacy right of other persons identified in the
 1799 reports, against the public interest. The public interest in
 1800 access to such records is reflected in s. 119.01(1) and includes
 1801 the need for citizens to know of and adequately evaluate the
 1802 actions of the Department of Children and Family Services and
 1803 the court system in providing vulnerable adults of this state
 1804 with the protections enumerated in s. 415.101. However, this
 1805 subsection does not contravene s. 415.107, which protects the
 1806 name of any person reporting the abuse, neglect, or exploitation
 1807 of a vulnerable adult.



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1808 (2) In cases involving serious bodily injury to a
1809 vulnerable adult, the Department of Children and Family Services
1810 may petition the court for an order for the immediate public
1811 release of records of the department which pertain to the
1812 protective investigation. The petition must be personally served
1813 upon the vulnerable adult, the legal guardian of that person, if
1814 any, and any person named as an alleged perpetrator in the
1815 report of abuse, neglect, or exploitation. The court must
1816 determine whether good cause exists for the public release of
1817 the records sought no later than 24 hours, excluding Saturdays,
1818 Sundays, and legal holidays, after the date the department filed
1819 the petition with the court. If the court has neither granted
1820 nor denied the petition within the 24-hour time period, the
1821 department may release to the public summary information
1822 including:

1823 (a) A confirmation that an investigation has been
1824 conducted concerning the alleged victim.

1825 (b) The dates and brief description of procedural
1826 activities undertaken during the department's investigation.

1827 (c) The date of each judicial proceeding, a summary of
1828 each participant's recommendations made at the judicial
1829 proceeding, and the ruling of the court.

1830
1831 The summary information may not include the name of, or other
1832 identifying information with respect to, any person identified
1833 in any investigation. In making a determination to release
1834 confidential information, the court shall balance the best
1835 interests of the vulnerable adult who is the focus of the



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1836 investigation, together with the privacy rights of other persons
 1837 identified in the reports, against the public interest for
 1838 access to public records. However, this subsection does not
 1839 contravene s. 415.107, which protects the name of any person
 1840 reporting abuse, neglect, or exploitation of a vulnerable adult.

1841 (3) When the court determines that good cause for public
 1842 access exists, the court shall direct that the department redact
 1843 the name of and other identifying information with respect to
 1844 any person identified in any protective investigation report
 1845 until such time as the court finds that there is probable cause
 1846 to believe that the person identified committed an act of
 1847 alleged abuse, neglect, or exploitation.

1848 Section 19. Subsection (2) of section 560.121, Florida
 1849 Statutes, is amended to read:

1850 560.121 Records; limited restrictions upon public
 1851 access.--

1852 (2) Examination reports, investigatory records,
 1853 applications, and related information compiled by the
 1854 department, or photographic copies thereof, shall be retained by
 1855 the department for a period of at least 3 ~~10~~ years from the date
 1856 that the examination or investigation ceases to be active.

1857 Application records 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 2 years from the date
 1860 that the registration ceases to be active.

1861 Section 20. Subsection (6) of section 560.123, Florida
 1862 Statutes, is amended to read:



1863 560.123 Florida control of money laundering in the Money
1864 Transmitters' Code; reports of transactions involving currency
1865 or monetary instruments; when required; purpose; definitions;
1866 penalties; corpus delicti.--

1867 (6) The department must retain a copy of all reports
1868 received under subsection (5) for a minimum of 3 ~~5~~ calendar
1869 years after receipt of the report. However, if a report or
1870 information contained in a report is known by the department to
1871 be the subject of an existing criminal proceeding, the report
1872 must be retained for a minimum of 10 calendar years from the
1873 date of receipt.

1874 Section 21. Subsection (5) of section 560.129, Florida
1875 Statutes, is amended to read:

1876 560.129 Confidentiality.--

1877 (5) Examination reports, investigatory records,
1878 applications, and related information compiled by the
1879 department, or photographic copies thereof, shall be retained by
1880 the department for a period of at least 3 ~~10~~ years from the date
1881 that the examination or investigation ceases to be active.

1882 Application records and related information compiled by the
1883 department, or photographic copies thereof, shall be retained by
1884 the department for a period of at least 2 years from the date
1885 that the registration ceases to be active.

1886 Section 22. Subsection (3) of section 624.311, Florida
1887 Statutes, is amended to read:

1888 624.311 Records; reproductions; destruction.--

1889 (3) The department may photograph, microphotograph, or
1890 reproduce on film, or maintain in an electronic recordkeeping



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1891 ~~system whereby each page will be reproduced in exact conformity~~
1892 ~~with the original~~, all financial records, financial statements
1893 of domestic insurers, reports of business transacted in this
1894 state by foreign insurers and alien insurers, reports of
1895 examination of domestic insurers, and such other records and
1896 documents on file in its office as it may in its discretion
1897 select.

1898 Section 23. Subsection (1) of section 624.312, Florida
1899 Statutes, is amended to read:

1900 624.312 Reproductions and certified copies of records as
1901 evidence.--

1902 (1) Photographs or microphotographs in the form of film or
1903 prints, or other reproductions from an electronic recordkeeping
1904 system, of documents and records made under s. 624.311(3), or
1905 made under former s. 624.311(3) before October 1, 1982, shall
1906 have the same force and effect as the originals thereof and
1907 shall be treated as originals for the purpose of their
1908 admissibility in evidence. Duly certified or authenticated
1909 reproductions of such photographs or microphotographs or
1910 reproductions from an electronic recordkeeping system shall be
1911 as admissible in evidence as the originals.

1912 Section 24. Subsection (2) of section 633.527, Florida
1913 Statutes, is amended to read:

1914 633.527 Records concerning applicant; extent of
1915 confidentiality.--

1916 (2) All examination test questions, answer sheets, and
1917 grades shall be retained for a period of 2 5 years from the date
1918 of the examination.



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1919 Section 25. Subsection (8) of section 655.50, Florida
1920 Statutes, is amended to read:

1921 655.50 Florida Control of Money Laundering in Financial
1922 Institutions Act; reports of transactions involving currency or
1923 monetary instruments; when required; purpose; definitions;
1924 penalties.--

1925 ~~(8)(a) The department shall retain a copy of all reports~~
1926 ~~received under subsection (4) for a minimum of 5 calendar years~~
1927 ~~after receipt of the report. However, if a report or~~
1928 ~~information contained in a report is known by the department to~~
1929 ~~be the subject of an existing criminal proceeding, the report~~
1930 ~~shall be retained for a minimum of 10 calendar years after~~
1931 ~~receipt of the report.~~

1932 (a)~~(b)~~ Each financial institution shall maintain for a
1933 minimum of 5 calendar years full and complete records of all
1934 financial transactions, including all records required by 31
1935 C.F.R. parts 103.33 and 103.34.

1936 (b)~~(e)~~ The financial institution shall retain a copy of
1937 all reports filed with the department under subsection (4) for a
1938 minimum of 5 calendar years after submission of the report.
1939 ~~However, if a report or information contained in a report is~~
1940 ~~known by the financial institution to be the subject of an~~
1941 ~~existing criminal proceeding, the report shall be retained for a~~
1942 ~~minimum of 10 calendar years after submission of the report.~~

1943 (c)~~(d)~~ The financial institution shall retain a copy of
1944 all records of exemption for each designation of exempt person
1945 made pursuant to subsection (6) for a minimum of 5 calendar
1946 years after termination of exempt status of such customer.



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1947 ~~However, if it is known by the financial institution that the~~
 1948 ~~customer or the transactions of the customer are the subject of~~
 1949 ~~an existing criminal proceeding, the records shall be retained~~
 1950 ~~for a minimum of 10 calendar years after termination of exempt~~
 1951 ~~status of such customer.~~

1952 Section 26. Section 945.25, Florida Statutes, is amended
 1953 to read:

1954 945.25 Records.--

1955 (1) It shall be the duty of the Department of Corrections
 1956 to obtain and place in its ~~permanent~~ records information as
 1957 complete as practicable ~~may be practicably available~~ on every
 1958 person who may be sentenced to supervision or incarceration
 1959 under the jurisdiction of the department ~~become subject to~~
 1960 ~~parole~~. Such information shall be obtained as soon as possible
 1961 after imposition of sentence and shall, in the discretion of the
 1962 department, include, among other things:

1963 (a) A copy of the indictment or information and a complete
 1964 statement of the facts of the crime for which such person has
 1965 been sentenced.

1966 (b) The court in which the person was sentenced.

1967 (c) The terms of the sentence.

1968 (d) The name of the presiding judge, the prosecuting
 1969 officers, the investigating officers, and the attorneys for the
 1970 person convicted.

1971 (e) A copy of all probation reports which may have been
 1972 made.

1973 (f) Any social, physical, mental, psychiatric, or criminal
 1974 record of such person.



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1975 (2) ~~The department, in its discretion, shall also obtain~~
 1976 ~~and place in its permanent records such information on every~~
 1977 ~~person who may be placed on probation, and on every person who~~
 1978 ~~may become subject to pardon and commutation of sentence.~~

1979 (3) It shall be the duty of the court and its prosecuting
 1980 officials to furnish to the department upon its request such
 1981 information and also to furnish such copies of such minutes and
 1982 other records as may be in their possession or under their
 1983 control.

1984 (3)(4) Following the initial hearing provided for in s.
 1985 947.172(1), the commission shall prepare and the department
 1986 shall include in the official record a copy of the seriousness-
 1987 of-offense and favorable-parole-outcome scores and shall include
 1988 a listing of the specific factors and information used in
 1989 establishing a presumptive parole release date for the inmate.

1990 Section 27. Paragraph (e) of subsection (4) of section
 1991 985.31, Florida Statutes, is amended to read:

1992 985.31 Serious or habitual juvenile offender.--

1993 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

1994 (e) The results of any serologic blood or urine test on a
 1995 serious or habitual juvenile offender shall become a part of
 1996 that child's ~~permanent~~ medical file. Upon transfer of the child
 1997 to any other designated treatment facility, such file shall be
 1998 transferred in an envelope marked confidential. The results of
 1999 any test designed to identify the human immunodeficiency virus,
 2000 or its antigen or antibody, shall be accessible only to persons
 2001 designated by rule of the department. The provisions of such



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2002 rule shall be consistent with the guidelines established by the
2003 Centers for Disease Control and Prevention.

2004 Section 28. Paragraph (d) of subsection (6) of section
2005 212.095, Florida Statutes, is amended to read:

2006 212.095 Refunds.--

2007 (6)

2008 ~~(d) The department shall keep a permanent record of the~~
2009 ~~amount of refund claimed and paid to each claimant. Such records~~
2010 ~~shall be open to public inspection.~~

2011 Section 29. Subsection (9) of section 238.03, Florida
2012 Statutes, is amended to read:

2013 238.03 Administration.--

2014 ~~(9) The department is authorized to photograph and reduce~~
2015 ~~to microfilm as a permanent record, its ledger sheets showing~~
2016 ~~the salary and contributions of members of the retirement~~
2017 ~~system, also the records of deceased members of the system and~~
2018 ~~thereupon to destroy the documents from which such films are~~
2019 ~~photographed.~~

2020 Section 30. Paragraph (a) of subsection (5) of section
2021 15.09, Florida Statutes, is amended to read:

2022 15.09 Fees.--

2023 (5)(a) There is created within the Department of State a
2024 Public Access Data Systems Trust Fund, which shall be used by
2025 the department to purchase information systems and equipment
2026 that provide greater public accessibility to the information and
2027 records maintained by it. Notwithstanding any other provision of
2028 law, the Divisions of Licensing, Elections, and Corporations of
2029 the department shall transfer each fiscal year to the Public



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2030 Access Data Systems Trust Fund from their respective trust
2031 funds:

2032 1. An amount equal to 2 percent of all revenues received
2033 for the processing of documents, filings, or information
2034 requests.

2035 2. All public access network revenues collected pursuant
2036 to s. 15.16 or s. 119.01(2)(f) ~~119.085~~.

2037 Section 31. Paragraph (f) of subsection (1) of section
2038 23.22, Florida Statutes, is amended to read:

2039 23.22 Paperwork reduction; activities of departments.--

2040 (1) In order to reduce the amount of paperwork associated
2041 with the collection of information from individuals, private-
2042 sector organizations, and local governments and to provide more
2043 efficient and effective assistance to such individuals and
2044 organizations in completing necessary paperwork required by the
2045 government, each department head shall, to the extent feasible:

2046 (f) Collaborate with the Division of Library and
2047 Information Services, pursuant to s. 119.021(2)(d) ~~119.09~~, to
2048 identify and index records retention requirements placed on
2049 private-sector organizations and local governments in Florida,
2050 clarify and reduce the requirements, and educate the affected
2051 entities through various communications media, including voice,
2052 data, video, radio, and image.

2053 Section 32. Paragraph (d) of subsection (1) of section
2054 101.5607, Florida Statutes, is amended to read:

2055 101.5607 Department of State to maintain voting system
2056 information; prepare software.--

2057 (1)



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2058 (d) Section 119.07(6)~~(3)~~(o) applies to all software on
2059 file with the Department of State.

2060 Section 33. Paragraph (b) of subsection (2) of section
2061 112.533, Florida Statutes, is amended to read:

2062 112.533 Receipt and processing of complaints.--

2063 (2)

2064 (b) This subsection does not apply to any public record
2065 which is exempt from public disclosure pursuant to s.

2066 119.07(6)~~(3)~~. For the purposes of this subsection, an
2067 investigation shall be considered active as long as it is
2068 continuing with a reasonable, good faith anticipation that an
2069 administrative finding will be made in the foreseeable future.
2070 An investigation shall be presumed to be inactive if no finding
2071 is made within 45 days after the complaint is filed.

2072 Section 34. Paragraph (e) of subsection (2) of section
2073 1012.31, Florida Statutes, is amended to read:

2074 1012.31 Personnel files.--Public school system employee
2075 personnel files shall be maintained according to the following
2076 provisions:

2077 (2)

2078 (e) Upon request, an employee, or any person designated in
2079 writing by the employee, shall be permitted to examine the
2080 personnel file of such employee. The employee shall be
2081 permitted conveniently to reproduce any materials in the file,
2082 at a cost no greater than the fees prescribed in s.

2083 119.07(4)~~(1)~~.

2084 Section 35. Subsection (1) of section 257.34, Florida
2085 Statutes, is amended to read:



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2086 257.34 Florida International Archive and Repository.--
 2087 (1) There is created within the Division of Library and
 2088 Information Services of the Department of State the Florida
 2089 International Archive and Repository for the preservation of
 2090 those public records, as defined in s. 119.011(11)(~~1~~),
 2091 manuscripts, international judgments involving disputes between
 2092 domestic and foreign businesses, and all other public matters
 2093 that the department or the Florida Council of International
 2094 Development deems relevant to international issues. It is the
 2095 duty and responsibility of the division to:
 2096 (a) Organize and administer the Florida International
 2097 Archive and Repository.
 2098 (b) Preserve and administer records that are transferred
 2099 to its custody; accept, arrange, and preserve them, according to
 2100 approved archival and repository practices; and permit them, at
 2101 reasonable times and under the supervision of the division, to
 2102 be inspected, examined, and copied. All public records
 2103 transferred to the custody of the division are subject to the
 2104 provisions of s. 119.07(1).
 2105 (c) Assist the records and information management program
 2106 in the determination of retention values for records.
 2107 (d) Cooperate with and assist, insofar as practicable,
 2108 state institutions, departments, agencies, counties,
 2109 municipalities, and individuals engaged in internationally
 2110 related activities.
 2111 (e) Provide a public research room where, under rules
 2112 established by the division, the materials in the international
 2113 archive and repository may be studied.



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2114 (f) Conduct, promote, and encourage research in
 2115 international trade, government, and culture and maintain a
 2116 program of information, assistance, coordination, and guidance
 2117 for public officials, educational institutions, libraries, the
 2118 scholarly community, and the general public engaged in such
 2119 research.

2120 (g) Cooperate with and, insofar as practicable, assist
 2121 agencies, libraries, institutions, and individuals in projects
 2122 concerned with internationally related issues and preserve
 2123 original materials relating to internationally related issues.

2124 (h) Assist and cooperate with the records and information
 2125 management program in the training and information program
 2126 described in s. 257.36(1)(g).

2127 Section 36. Subsection (1) of section 257.35, Florida
 2128 Statutes, is amended to read:

2129 257.35 Florida State Archives.--

2130 (1) There is created within the Division of Library and
 2131 Information Services of the Department of State the Florida
 2132 State Archives for the preservation of those public records, as
 2133 defined in s. 119.011(11)(~~1~~), manuscripts, and other archival
 2134 material that have been determined by the division to have
 2135 sufficient historical or other value to warrant their continued
 2136 preservation and have been accepted by the division for deposit
 2137 in its custody. It is the duty and responsibility of the
 2138 division to:

2139 (a) Organize and administer the Florida State Archives.

2140 (b) Preserve and administer such records as shall be
 2141 transferred to its custody; accept, arrange, and preserve them,



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2142 according to approved archival practices; and permit them, at
2143 reasonable times and under the supervision of the division, to
2144 be inspected, examined, and copied. All public records
2145 transferred to the custody of the division shall be subject to
2146 the provisions of s. 119.07(1), except that any public record or
2147 other record provided by law to be confidential or prohibited
2148 from inspection by the public shall be made accessible only
2149 after a period of 50 years from the date of the creation of the
2150 record. Any nonpublic manuscript or other archival material
2151 which is placed in the keeping of the division under special
2152 terms and conditions, shall be made accessible only in
2153 accordance with such law terms and conditions and shall be
2154 exempt from the provisions of s. 119.07(1) to the extent
2155 necessary to meet the terms and conditions for a nonpublic
2156 manuscript or other archival material.

2157 (c) Assist the records and information management program
2158 in the determination of retention values for records.

2159 (d) Cooperate with and assist insofar as practicable state
2160 institutions, departments, agencies, counties, municipalities,
2161 and individuals engaged in activities in the field of state
2162 archives, manuscripts, and history and accept from any person
2163 any paper, book, record, or similar material which in the
2164 judgment of the division warrants preservation in the state
2165 archives.

2166 (e) Provide a public research room where, under rules
2167 established by the division, the materials in the state archives
2168 may be studied.



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2169 (f) Conduct, promote, and encourage research in Florida
2170 history, government, and culture and maintain a program of
2171 information, assistance, coordination, and guidance for public
2172 officials, educational institutions, libraries, the scholarly
2173 community, and the general public engaged in such research.

2174 (g) Cooperate with and, insofar as practicable, assist
2175 agencies, libraries, institutions, and individuals in projects
2176 designed to preserve original source materials relating to
2177 Florida history, government, and culture and prepare and publish
2178 handbooks, guides, indexes, and other literature directed toward
2179 encouraging the preservation and use of the state's documentary
2180 resources.

2181 (h) Encourage and initiate efforts to preserve, collect,
2182 process, transcribe, index, and research the oral history of
2183 Florida government.

2184 (i) Assist and cooperate with the records and information
2185 management program in the training and information program
2186 described in s. 257.36(1)(g).

2187 Section 37. Section 282.21, Florida Statutes, is amended
2188 to read:

2189 282.21 The State Technology Office's electronic access
2190 services.--The State Technology Office may collect fees for
2191 providing remote electronic access pursuant to s. 119.01(2)(f)
2192 ~~119.085~~. The fees may be imposed on individual transactions or
2193 as a fixed subscription for a designated period of time. All
2194 fees collected under this section shall be deposited in the
2195 appropriate trust fund of the program or activity that made the
2196 remote electronic access available.



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2197 Section 38. Paragraph (h) of subsection (2) of section
2198 287.0943, Florida Statutes, is amended to read:

2199 287.0943 Certification of minority business enterprises.--
2200 (2)

2201 (h) The certification procedures should allow an applicant
2202 seeking certification to designate on the application form the
2203 information the applicant considers to be proprietary,
2204 confidential business information. As used in this paragraph,
2205 "proprietary, confidential business information" includes, but
2206 is not limited to, any information that would be exempt from
2207 public inspection pursuant to the provisions of s. 119.07(6)~~(3)~~;
2208 trade secrets; internal auditing controls and reports; contract
2209 costs; or other information the disclosure of which would injure
2210 the affected party in the marketplace or otherwise violate s.
2211 286.041. The executor in receipt of the application shall issue
2212 written and final notice of any information for which
2213 noninspection is requested but not provided for by law.

2214 Section 39. Subsection (1) of section 320.05, Florida
2215 Statutes, is amended to read:

2216 320.05 Records of the department; inspection procedure;
2217 lists and searches; fees.--

2218 (1) Except as provided in ss. 119.07(6)~~(3)~~ and 320.025(3),
2219 the department may release records as provided in this section.

2220 Section 40. Subsection (8) of section 322.20, Florida
2221 Statutes, is amended to read:

2222 322.20 Records of the department; fees; destruction of
2223 records.--



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2224 (8) Except as provided in s. 119.07(6)(~~3~~), the department
2225 may release records as provided in this section.

2226 Section 41. Paragraph (b) of subsection (2) of section
2227 338.223, Florida Statutes, is amended to read:

2228 338.223 Proposed turnpike projects.--

2229 (2)

2230 (b) In accordance with the legislative intent expressed in
2231 s. 337.273, and after the requirements of paragraph(1)(c) have
2232 been met, the department may acquire lands and property before
2233 making a final determination of the economic feasibility of a
2234 project. The requirements of paragraph (1)(c) do not apply to
2235 hardship and protective purchases of advance right-of-way by
2236 the department. The cost of advance acquisition of right-of-way
2237 may be paid from bonds issued under s. 337.276 or from turnpike
2238 revenues. For purposes of this paragraph, the term "hardship
2239 purchase" means purchase from a property owner of a residential
2240 dwelling of not more than four units who is at a disadvantage
2241 due to health impairment, job loss, or significant loss of
2242 rental income. For purposes of this paragraph, the term
2243 "protective purchase" means that a purchase to limit
2244 development, building, or other intensification of land uses
2245 within the area right-of-way is needed for transportation
2246 facilities. The department shall give written notice to the
2247 Department of Environmental Protection 30 days before final
2248 agency acceptance as set forth in s. 119.07(6)(~~3~~)(n), which
2249 notice shall allow the Department of Environmental Protection to
2250 comment. Hardship and protective purchases of right-of-way
2251 shall not influence the environmental feasibility of a project,



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2252 including the decision relative to the need to construct the
2253 project or the selection of a specific location. Costs to
2254 acquire and dispose of property acquired as hardship and
2255 protective purchases are considered costs of doing business for
2256 the department and are not to be considered in the determination
2257 of environmental feasibility for the project.

2258 Section 42. Paragraph (a) of subsection (1) of section
2259 378.406, Florida Statutes, is amended to read:

2260 378.406 Confidentiality of records; availability of
2261 information.--

2262 (1)(a) Any information relating to prospecting, rock
2263 grades, or secret processes or methods of operation which may be
2264 required, ascertained, or discovered by inspection or
2265 investigation shall be exempt from the provisions of s.
2266 119.07(1), shall not be disclosed in public hearings, and shall
2267 be kept confidential by any member, officer, or employee of the
2268 department, if the applicant requests the department to keep
2269 such information confidential and informs the department of the
2270 basis for such confidentiality. Should the secretary determine
2271 that such information requested to be kept confidential shall
2272 not be kept confidential, the secretary shall provide the
2273 operator with not less than 30 days' notice of his or her intent
2274 to release the information. When making his or her
2275 determination, the secretary shall consider the public purposes
2276 specified in s. 119.15 ~~119.14~~(4)(b).

2277 Section 43. Paragraph (c) of subsection (1) of section
2278 400.0077, Florida Statutes, is amended to read:

2279 400.0077 Confidentiality.--



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2280 (1) The following are confidential and exempt from the
2281 provisions of s. 119.07(1):

2282 (c) Any other information about a complaint, including any
2283 problem identified by an ombudsman council as a result of an
2284 investigation, unless an ombudsman council determines that the
2285 information does not meet any of the criteria specified in s.
2286 119.15 ~~119.14~~(4)(b) or unless the information is to collect
2287 data for submission to those entities specified in s. 712(c) of
2288 the federal Older Americans Act for the purpose of identifying
2289 and resolving significant problems.

2290 Section 44. Subsection (5) of section 401.27, Florida
2291 Statutes, is amended to read:

2292 401.27 Personnel; standards and certification.--

2293 (5) The certification examination must be offered monthly.
2294 The department shall issue an examination admission notice to
2295 the applicant advising him or her of the time and place of the
2296 examination for which he or she is scheduled. Individuals
2297 achieving a passing score on the certification examination may
2298 be issued a temporary certificate with their examination grade
2299 report. The department must issue an original certification
2300 within 45 days after the examination. Examination questions and
2301 answers are not subject to discovery but may be introduced into
2302 evidence and considered only in camera in any administrative
2303 proceeding under chapter 120. If an administrative hearing is
2304 held, the department shall provide challenged examination
2305 questions and answers to the administrative law judge. The
2306 department shall establish by rule the procedure by which an



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2307 applicant, and the applicant's attorney, may review examination
2308 questions and answers in accordance with s. 119.07 (6)~~(3)~~(a).

2309 Section 45. Subsection (1) of section 403.111, Florida
2310 Statutes, is amended to read:

2311 403.111 Confidential records.--

2312 (1) Any information, other than effluent data and those
2313 records described in 42 U.S.C. s. 7661a(b)(8), relating to
2314 secret processes or secret methods of manufacture or production,
2315 or relating to costs of production, profits, or other financial
2316 information which is otherwise not public record, which may be
2317 required, ascertained, or discovered by inspection or
2318 investigation shall be exempt from the provisions of s.
2319 119.07(1), shall not be disclosed in public hearings, and shall
2320 be kept confidential by any member, officer, or employee of the
2321 department, upon a showing satisfactory to the department that
2322 the information should be kept confidential. The person from
2323 whom the information is obtained must request that the
2324 department keep such information confidential and must inform
2325 the department of the basis for the claim of confidentiality.
2326 The department shall, subject to notice and opportunity for
2327 hearing, determine whether the information requested to be kept
2328 confidential should or should not be kept confidential. The
2329 department shall determine whether the information submitted
2330 should be kept confidential pursuant to the public purpose test
2331 as stated in s. 119.15 ~~119.14~~(4)(b)3.

2332 Section 46. Section 409.2577, Florida Statutes, is
2333 amended to read:



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2334 409.2577 Parent locator service.--The department shall
2335 establish a parent locator service to assist in locating parents
2336 who have deserted their children and other persons liable for
2337 support of dependent children. The department shall use all
2338 sources of information available, including the Federal Parent
2339 Locator Service, and may request and shall receive information
2340 from the records of any person or the state or any of its
2341 political subdivisions or any officer thereof. Any agency as
2342 defined in s. 120.52, any political subdivision, and any other
2343 person shall, upon request, provide the department any
2344 information relating to location, salary, insurance, social
2345 security, income tax, and employment history necessary to locate
2346 parents who owe or potentially owe a duty of support pursuant to
2347 Title IV-D of the Social Security Act. This provision shall
2348 expressly take precedence over any other statutory nondisclosure
2349 provision which limits the ability of an agency to disclose such
2350 information, except that law enforcement information as provided
2351 in s. 119.07 (6)~~(3)~~(i) is not required to be disclosed, and
2352 except that confidential taxpayer information possessed by the
2353 Department of Revenue shall be disclosed only to the extent
2354 authorized in s. 213.053(15). Nothing in this section requires
2355 the disclosure of information if such disclosure is prohibited
2356 by federal law. Information gathered or used by the parent
2357 locator service is confidential and exempt from the provisions
2358 of s. 119.07(1). Additionally, the department is authorized to
2359 collect any additional information directly bearing on the
2360 identity and whereabouts of a person owing or asserted to be
2361 owing an obligation of support for a dependent child. The



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2362 department shall, upon request, make information available only
2363 to public officials and agencies of this state; political
2364 subdivisions of this state, including any agency thereof
2365 providing child support enforcement services to non-Title IV-D
2366 clients; the custodial parent, legal guardian, attorney, or
2367 agent of the child; and other states seeking to locate parents
2368 who have deserted their children and other persons liable for
2369 support of dependents, for the sole purpose of establishing,
2370 modifying, or enforcing their liability for support, and shall
2371 make such information available to the Department of Children
2372 and Family Services for the purpose of diligent search
2373 activities pursuant to chapter 39. If the department has
2374 reasonable evidence of domestic violence or child abuse and the
2375 disclosure of information could be harmful to the custodial
2376 parent or the child of such parent, the child support program
2377 director or designee shall notify the Department of Children and
2378 Family Services and the Secretary of the United States
2379 Department of Health and Human Services of this evidence. Such
2380 evidence is sufficient grounds for the department to disapprove
2381 an application for location services.

2382 Section 47. Subsection (6) of section 455.219, Florida
2383 Statutes, is amended to read:

2384 455.219 Fees; receipts; disposition; periodic management
2385 reports.--

2386 (6) The department or the appropriate board shall charge a
2387 fee not to exceed \$25 for the certification of a public record.
2388 The fee shall be determined by rule of the department. The
2389 department or the appropriate board shall assess a fee for



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2390 duplication of a public record as provided in s. 119.07(4)~~(1)(a)~~
2391 and ~~(b)~~.

2392 Section 48. Subsection (11) of section 456.025, Florida
2393 Statutes, is amended to read:

2394 456.025 Fees; receipts; disposition.--

2395 (11) The department or the appropriate board shall charge
2396 a fee not to exceed \$25 for the certification of a public
2397 record. The fee shall be determined by rule of the department.
2398 The department or the appropriate board shall assess a fee for
2399 duplicating a public record as provided in s. 119.07(4)~~(1)(a)~~
2400 and ~~(b)~~.

2401 Section 49. Paragraph (1) of subsection (3) of section
2402 627.311, Florida Statutes, is amended to read:

2403 627.311 Joint underwriters and joint reinsurers.--

2404 (3) The department may, after consultation with insurers
2405 licensed to write automobile insurance in this state, approve a
2406 joint underwriting plan for purposes of equitable apportionment
2407 or sharing among insurers of automobile liability insurance and
2408 other motor vehicle insurance, as an alternate to the plan
2409 required in s. 627.351(1). All insurers authorized to write
2410 automobile insurance in this state shall subscribe to the plan
2411 and participate therein. The plan shall be subject to
2412 continuous review by the department which may at any time
2413 disapprove the entire plan or any part thereof if it determines
2414 that conditions have changed since prior approval and that in
2415 view of the purposes of the plan changes are warranted. Any
2416 disapproval by the department shall be subject to the provisions



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2417 of chapter 120. If adopted, the plan and the association created
2418 under the plan:

2419 (1)1. Shall be subject to the public records requirements
2420 of chapter 119 and the public meeting requirements of s.
2421 286.011. However, the following records of the Florida
2422 Automobile Joint Underwriting Association are confidential and
2423 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2424 Constitution:

2425 a. Underwriting files, except that a policyholder or an
2426 applicant shall have access to his or her own underwriting
2427 files.

2428 b. Claims files, until termination of all litigation and
2429 settlement of all claims arising out of the same incident,
2430 although portions of the claims files may remain exempt, as
2431 otherwise provided by law. Confidential and exempt claims file
2432 records may be released to other governmental agencies upon
2433 written request and demonstration of need; such records held by
2434 the receiving agency remain confidential and exempt as provided
2435 by this paragraph.

2436 c. Records obtained or generated by an internal auditor
2437 pursuant to a routine audit, until the audit is completed or, if
2438 the audit is conducted as part of an investigation, until the
2439 investigation is closed or ceases to be active. An investigation
2440 is considered "active" while the investigation is being
2441 conducted with a reasonable, good faith belief that it could
2442 lead to the filing of administrative, civil, or criminal
2443 proceedings.



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2444 d. Matters reasonably encompassed in privileged attorney-
2445 client communications.

2446 e. Proprietary information licensed to the association
2447 under contract when the contract provides for the
2448 confidentiality of such proprietary information.

2449 f. All information relating to the medical condition or
2450 medical status of an association employee which is not relevant
2451 to the employee's capacity to perform his or her duties, except
2452 as otherwise provided in this paragraph. Information which is
2453 exempt shall include, but is not limited to, information
2454 relating to workers' compensation, insurance benefits, and
2455 retirement or disability benefits.

2456 g. All records relative to an employee's participation in
2457 an employee assistance program designed to assist any employee
2458 who has a behavioral or medical disorder, substance abuse
2459 problem, or emotional difficulty which affects the employee's
2460 job performance, except as otherwise provided in s.
2461 112.0455(11).

2462 h. Information relating to negotiations for financing,
2463 reinsurance, depopulation, or contractual services, until the
2464 conclusion of the negotiations.

2465 i. Minutes of closed meetings regarding underwriting
2466 files, and minutes of closed meetings regarding an open claims
2467 file until termination of all litigation and settlement of all
2468 claims with regard to that claim, except that information
2469 otherwise confidential or exempt by law must be redacted. When
2470 an authorized insurer is considering underwriting a risk insured
2471 by the association, relevant underwriting files and confidential



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2472 claims files may be released to the insurer provided the insurer
2473 agrees in writing, notarized and under oath, to maintain the
2474 confidentiality of such files. When a file is transferred to an
2475 insurer, that file is no longer a public record because it is
2476 not held by an agency subject to the provisions of the public
2477 records law. The association may make the following information
2478 obtained from underwriting files and confidential claims files
2479 available to licensed general lines insurance agents: name,
2480 address, and telephone number of the automobile owner or
2481 insured; location of the risk; rating information; loss history;
2482 and policy type. The receiving licensed general lines insurance
2483 agent must retain the confidentiality of the information
2484 received.

2485 2. Portions of meetings of the Florida Automobile Joint
2486 Underwriting Association during which confidential underwriting
2487 files or confidential open claims files are discussed are exempt
2488 from the provisions of s. 286.011 and s. 24(b), Art. I of the
2489 State Constitution. All portions of association meetings which
2490 are closed to the public shall be recorded by a court reporter.
2491 The court reporter shall record the times of commencement and
2492 termination of the meeting, all discussion and proceedings, the
2493 names of all persons present at any time, and the names of all
2494 persons speaking. No portion of any closed meeting shall be off
2495 the record. Subject to the provisions of this paragraph and s.
2496 119.07(1)(b)-(d)+2(a), the court reporter's notes of any closed
2497 meeting shall be retained by the association for a minimum of 5
2498 years. A copy of the transcript, less any exempt matters, of
2499 any closed meeting during which claims are discussed shall



2500 become public as to individual claims after settlement of the
2501 claim.

2502
2503 This paragraph is subject to the Open Government Sunset Review
2504 Act of 1995 in accordance with s. 119.15, and shall stand
2505 repealed on October 2, 2003, unless reviewed and saved from
2506 repeal through reenactment by the Legislature.

2507 Section 50. Paragraph (n) of subsection (6) of section
2508 627.351, Florida Statutes, is amended to read:

2509 627.351 Insurance risk apportionment plans.--

2510 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

2511 (n)1. The following records of the corporation are
2512 confidential and exempt from the provisions of s. 119.07(1) and
2513 s. 24(a), Art. I of the State Constitution:

2514 a. Underwriting files, except that a policyholder or an
2515 applicant shall have access to his or her own underwriting
2516 files.

2517 b. Claims files, until termination of all litigation and
2518 settlement of all claims arising out of the same incident,
2519 although portions of the claims files may remain exempt, as
2520 otherwise provided by law. Confidential and exempt claims file
2521 records may be released to other governmental agencies upon
2522 written request and demonstration of need; such records held by
2523 the receiving agency remain confidential and exempt as provided
2524 for herein.

2525 c. Records obtained or generated by an internal auditor
2526 pursuant to a routine audit, until the audit is completed, or if
2527 the audit is conducted as part of an investigation, until the



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2528 investigation is closed or ceases to be active. An investigation
2529 is considered "active" while the investigation is being
2530 conducted with a reasonable, good faith belief that it could
2531 lead to the filing of administrative, civil, or criminal
2532 proceedings.

2533 d. Matters reasonably encompassed in privileged attorney-
2534 client communications.

2535 e. Proprietary information licensed to the corporation
2536 under contract and the contract provides for the confidentiality
2537 of such proprietary information.

2538 f. All information relating to the medical condition or
2539 medical status of a corporation employee which is not relevant
2540 to the employee's capacity to perform his or her duties, except
2541 as otherwise provided in this paragraph. Information which is
2542 exempt shall include, but is not limited to, information
2543 relating to workers' compensation, insurance benefits, and
2544 retirement or disability benefits.

2545 g. Upon an employee's entrance into the employee
2546 assistance program, a program to assist any employee who has a
2547 behavioral or medical disorder, substance abuse problem, or
2548 emotional difficulty which affects the employee's job
2549 performance, all records relative to that participation shall be
2550 confidential and exempt from the provisions of s. 119.07(1) and
2551 s. 24(a), Art. I of the State Constitution, except as otherwise
2552 provided in s. 112.0455(11).

2553 h. Information relating to negotiations for financing,
2554 reinsurance, depopulation, or contractual services, until the
2555 conclusion of the negotiations.



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2556 i. Minutes of closed meetings regarding underwriting
2557 files, and minutes of closed meetings regarding an open claims
2558 file until termination of all litigation and settlement of all
2559 claims with regard to that claim, except that information
2560 otherwise confidential or exempt by law will be redacted.
2561
2562 When an authorized insurer is considering underwriting a risk
2563 insured by the corporation, relevant underwriting files and
2564 confidential claims files may be released to the insurer
2565 provided the insurer agrees in writing, notarized and under
2566 oath, to maintain the confidentiality of such files. When a file
2567 is transferred to an insurer that file is no longer a public
2568 record because it is not held by an agency subject to the
2569 provisions of the public records law. Underwriting files and
2570 confidential claims files may also be released to staff of and
2571 the board of governors of the market assistance plan established
2572 pursuant to s. 627.3515, who must retain the confidentiality of
2573 such files, except such files may be released to authorized
2574 insurers that are considering assuming the risks to which the
2575 files apply, provided the insurer agrees in writing, notarized
2576 and under oath, to maintain the confidentiality of such files.
2577 Finally, the corporation or the board or staff of the market
2578 assistance plan may make the following information obtained from
2579 underwriting files and confidential claims files available to
2580 licensed general lines insurance agents: name, address, and
2581 telephone number of the residential property owner or insured;
2582 location of the risk; rating information; loss history; and
2583 policy type. The receiving licensed general lines insurance



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2584 agent must retain the confidentiality of the information
2585 received.

2586 2. Portions of meetings of the corporation are exempt from
2587 the provisions of s. 286.011 and s. 24(b), Art. I of the State
2588 Constitution wherein confidential underwriting files or
2589 confidential open claims files are discussed. All portions of
2590 corporation meetings which are closed to the public shall be
2591 recorded by a court reporter. The court reporter shall record
2592 the times of commencement and termination of the meeting, all
2593 discussion and proceedings, the names of all persons present at
2594 any time, and the names of all persons speaking. No portion of
2595 any closed meeting shall be off the record. Subject to the
2596 provisions hereof and s. 119.07(1)(b)-(d)~~(2)(a)~~, the court
2597 reporter's notes of any closed meeting shall be retained by the
2598 corporation for a minimum of 5 years. A copy of the transcript,
2599 less any exempt matters, of any closed meeting wherein claims
2600 are discussed shall become public as to individual claims after
2601 settlement of the claim.

2602 Section 51. Subsection (1) of section 633.527, Florida
2603 Statutes, is amended to read:

2604 633.527 Records concerning applicant; extent of
2605 confidentiality.--

2606 (1) Test material is made confidential by s.
2607 119.07(6)~~(3)~~(a). An applicant may waive in writing the
2608 confidentiality of his or her examination answer sheet for the
2609 purpose of discussion with the State Fire Marshal or his or her
2610 staff.



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2611 Section 52. 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 53. 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 54. 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:



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2639 947.13 Powers and duties of commission.--

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 55. Section 430.015, Florida Statutes, is
2645 repealed.

2646 Section 56. Section 440.132, Florida Statutes, is amended
2647 to read:

2648 440.132 Investigatory records relating to workers'
2649 compensation managed care arrangements; confidentiality.--

2650 ~~(1)~~ All investigatory records of the Agency for Health
2651 Care Administration made or received pursuant to s. 440.134 and
2652 any examination records necessary to complete an investigation
2653 are confidential and exempt from the provisions of s. 119.07(1)
2654 and s. 24(a), Art. I of the State Constitution until the
2655 investigation is completed or ceases to be active, except that
2656 portions of medical records which specifically identify patients
2657 must remain confidential and exempt. An investigation is
2658 considered "active" while such investigation is being conducted
2659 by the agency with a reasonable, good faith belief that it may
2660 lead to the filing of administrative, civil, or criminal
2661 proceedings. An investigation does not cease to be active if the
2662 agency is proceeding with reasonable dispatch and there is good
2663 faith belief that action may be initiated by the agency or other
2664 administrative or law enforcement agency.

2665 ~~(2) The Legislature finds that it is a public necessity~~
2666 ~~that these investigatory and examination records be held~~



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2667 ~~confidential and exempt during an investigation in order not to~~
2668 ~~compromise the investigation and disseminate potentially~~
2669 ~~inaccurate information. To the extent this information is made~~
2670 ~~available to the public, those persons being investigated will~~
2671 ~~have access to such information which would potentially defeat~~
2672 ~~the purpose of the investigation. This would impede the~~
2673 ~~effective and efficient operation of investigatory governmental~~
2674 ~~functions.~~

2675 Section 57. Section 723.0065, Florida Statutes, is
2676 repealed.

2677 Section 58. Section 768.301, Florida Statutes, is
2678 repealed.

2679 Section 59. Section 815.045, Florida Statutes, is
2680 repealed.

2681 Section 60. Paragraph (a) of subsection (7) of section
2682 943.031, Florida Statutes, is amended to read:

2683 943.031 Florida Violent Crime and Drug Control
2684 Council.--The Legislature finds that there is a need to develop
2685 and implement a statewide strategy to address violent criminal
2686 activity and drug control efforts by state and local law
2687 enforcement agencies, including investigations of illicit money
2688 laundering. In recognition of this need, the Florida Violent
2689 Crime and Drug Control Council is created within the department.
2690 The council shall serve in an advisory capacity to the
2691 department.

2692 (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL MEETINGS
2693 AND RECORDS.--



2694 (a)~~1~~. The Legislature finds that during limited portions
 2695 of the meetings of the Florida Violent Crime and Drug Control
 2696 Council it is necessary that the council be presented with and
 2697 discuss details, information, and documents related to active
 2698 criminal investigations or matters constituting active criminal
 2699 intelligence, as those concepts are defined by s. 119.011. These
 2700 presentations and discussions are necessary for the council to
 2701 make its funding decisions as required by the Legislature. The
 2702 Legislature finds that to reveal the contents of documents
 2703 containing active criminal investigative or intelligence
 2704 information or to allow active criminal investigative or active
 2705 criminal intelligence matters to be discussed in a meeting open
 2706 to the public negatively impacts the ability of law enforcement
 2707 agencies to efficiently continue their investigative or
 2708 intelligence gathering activities. The Legislature finds that
 2709 information coming before the council that pertains to active
 2710 criminal investigations or intelligence should remain
 2711 confidential and exempt from public disclosure. The Legislature
 2712 finds that the Florida Violent Crime and Drug Control Council
 2713 may, by declaring only those portions of council meetings in
 2714 which active criminal investigative or active criminal
 2715 intelligence information is to be presented or discussed closed
 2716 to the public, assure an appropriate balance between the policy
 2717 of this state that meetings be public and the policy of this
 2718 state to facilitate efficient law enforcement efforts.

2719 ~~2. The Legislature finds that it is a public necessity~~
 2720 ~~that portions of the meetings of the Florida Violent Crime and~~
 2721 ~~Drug Control Council be closed when the confidential details,~~



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2722 ~~information, and documents related to active criminal~~
2723 ~~investigations or matters constituting active criminal~~
2724 ~~intelligence are discussed. The Legislature further finds that~~
2725 ~~it is no less a public necessity that portions of public records~~
2726 ~~generated at closed council meetings, such as tape recordings,~~
2727 ~~minutes, and notes, memorializing the discussions regarding such~~
2728 ~~confidential details, information, and documents related to~~
2729 ~~active criminal investigations or matters constituting active~~
2730 ~~criminal intelligence, also shall be held confidential.~~

2731 Section 61. This act shall take effect July 1, 2003.