



1 A bill to be entitled
2 An act relating to public records; amending s. 18.20,
3 F.S.; removing photographic film reproductions of
4 specified vouchers or checks paid by the State Treasurer
5 and preserved as records of the office of the Treasurer
6 from classification as permanent records; creating s.
7 39.2021, F.S.; relocating the provision allowing a person
8 or organization to petition the court for access to
9 records of the Department of Children and Family Services;
10 amending s. 119.01, F.S.; establishing state policy with
11 respect to public records; requiring governmental agencies
12 to consider certain factors in designing or acquiring
13 electronic recordkeeping systems; providing certain
14 restrictions with respect to electronic recordkeeping
15 systems and proprietary software; requiring governmental
16 agencies to provide copies of public records stored in
17 electronic recordkeeping systems; authorizing agencies to
18 charge a fee for such copies; specifying circumstances
19 under which the financial, business, and membership
20 records of an organization are public records; amending s.
21 119.011, F.S.; providing definitions; correcting cross
22 references; repealing ss. 119.0115, 119.012, and 119.02,
23 F.S., relating to specified exemption for certain
24 videotapes and video signals, records made public by the
25 use of public funds, and penalties for violation of public
26 records requirements by a public officer; amending s.
27 119.021, F.S.; providing requirements for governmental
28 agencies in maintaining and preserving public records;



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



57 | with respect to publication of the Florida Administrative
58 | Code to provide that the Department of State is required
59 | to compile and publish the code through a continuous
60 | revision system; amending s. 257.36, F.S.; providing
61 | procedure with respect to official custody of records upon
62 | transfer of duties or responsibilities between state
63 | agencies or dissolution of a state agency; amending s.
64 | 328.15, F.S.; revising the classification of records of
65 | notices and satisfaction of liens on vessels maintained by
66 | the Department of Highway Safety and Motor Vehicles;
67 | amending s. 372.5717, F.S.; revising the classification of
68 | records of hunter safety certification cards maintained by
69 | the Fish and Wildlife Conservation Commission; creating s.
70 | 415.1071, F.S.; relocating the provision allowing a person
71 | or organization to petition the court for access to
72 | records of the Department of Children and Family Services;
73 | amending s. 560.121, F.S.; decreasing and qualifying the
74 | period of retention for examination reports, investigatory
75 | records, applications, application records, and related
76 | information compiled by the Department of Banking and
77 | Finance under the Money Transmitters' Code; amending s.
78 | 560.123, F.S.; decreasing the period of retention for
79 | specified reports filed by money transmitters with the
80 | Department of Banking and Finance under the money
81 | Transmitters' Code; amending s. 560.129, F.S.; decreasing
82 | and qualifying the period of retention for examination
83 | reports, investigatory records, applications, application
84 | records, and related information compiled by the



85 Department of Banking and Finance under the Money
86 Transmitters' Code; amending s. 624.311, F.S.; authorizing
87 the Department of Insurance to maintain an electronic
88 recordkeeping system for specified records, statements,
89 reports, and documents; eliminating a standard for the
90 reproduction of such records, statements, reports, and
91 documents; amending s. 624.312, F.S.; providing that
92 reproductions from an electronic recordkeeping system of
93 specified documents and records of the Department of
94 Insurance shall be treated as originals for the purpose of
95 their admissibility in evidence; amending s. 633.527,
96 F.S.; decreasing the period of retention for specified
97 examination test questions, answer sheets, and grades in
98 the possession of the Division of State Fire Marshal of
99 the Department of Insurance; amending s. 655.50, F.S.;
100 revising requirements of the Department of Banking and
101 Finance with respect to retention of copies of specified
102 reports and records of exemption submitted or filed by
103 financial institutions under the Florida Control of Money
104 Laundering in Financial Institutions Act; amending s.
105 945.25, F.S.; requiring the Department of Corrections to
106 obtain and place in its records specified information on
107 every person who may be sentenced to supervision or
108 incarceration under the jurisdiction of the department;
109 eliminating a requirement of the department, in its
110 discretion, to obtain and place in its permanent records
111 specified information on persons placed on probation and
112 on persons who may become subject to pardon and



113 | commutation of sentence; amending s. 985.31, F.S.;

114 | revising the classification of specified medical files of

115 | serious or habitual juvenile offenders; repealing s.

116 | 212.095(6)(d), F.S., which requires the Department of

117 | Revenue to keep a permanent record of the amounts of

118 | refunds claimed and paid under ch. 212, F.S., and which

119 | requires that such records shall be open to public

120 | inspection; repealing s. 238.03(9), F.S., relating to the

121 | authority of the Department of Management Services to

122 | photograph and reduce to microfilm as a permanent record

123 | its ledger sheets showing the salaries and contributions

124 | of members of the Teachers' Retirement System of Florida

125 | and the records of deceased members of the system, and the

126 | authority to destroy the documents from which such films

127 | derive; correcting a cross reference; amending ss. 15.09,

128 | 23.22, 101.5607, 112.533, 1012.31, 257.34, 257.35, 282.21,

129 | 287.0943, 320.05, 322.20, 338.223, 378.406, 400.0077,

130 | 401.27, 403.111, 409.2577, 455.219, 456.025, 627.311,

131 | 627.351, 633.527, 668.50, and 794.024, F.S.; conforming

132 | cross references; reenacting s. 947.13(2)(a), F.S.,

133 | relating to the duty of the Parole Commission to examine

134 | specified records, to incorporate the amendment to s.

135 | 945.25, F.S., in a reference thereto; repealing s.

136 | 430.015, F.S., which provides a public necessity statement

137 | for a Department of Elderly Affairs public records

138 | exemption; amending s. 440.132, F.S.; eliminating a public

139 | necessity statement for an Agency for Health Care

140 | Administration public records exemption; repealing s.



141 723.0065, F.S., which provides a public necessity
 142 statement for a Division of Florida Land Sales,
 143 Condominiums, and Mobile Homes public records exemption;
 144 repealing s. 768.301, F.S., which provides a public
 145 necessity statement for a public records and public
 146 meetings exemption regarding state administered risk
 147 management programs; repealing s. 815.045, F.S., which
 148 provides a public necessity statement for a public records
 149 exemption regarding trade secret information held by an
 150 agency; amending s. 943.031, F.S.; eliminating a public
 151 necessity statement for a Florida Violent Crime and Drug
 152 Control Council public records and public meetings
 153 exemption; providing an effective date.

154
 155 Be It Enacted by the Legislature of the State of Florida:

156
 157 Section 1. Subsection (1) of section 18.20, Florida
 158 Statutes, is amended to read:

159 18.20 Treasurer to make reproductions of certain warrants,
 160 records, and documents.--

161 (1) All vouchers or checks heretofore or hereafter drawn
 162 by appropriate court officials of the several counties of the
 163 state against money deposited with the Treasurer under the
 164 provisions of s. 43.17, and paid by the Treasurer, may be
 165 photographed, microphotographed, or reproduced on film by the
 166 Treasurer. Such photographic film shall be durable material and
 167 the device used to so reproduce such warrants, vouchers, or
 168 checks shall be one which accurately reproduces the originals



169 thereof in all detail; and such photographs, microphotographs,
170 or reproductions on film shall be placed in conveniently
171 accessible and identified files and shall be preserved by the
172 Treasurer as a part of the ~~permanent~~ records of office. When any
173 such warrants, vouchers, or checks have been so photographed,
174 microphotographed, or reproduced on film, and the photographs,
175 microphotographs, or reproductions on film thereof have been
176 placed in files as a part of the ~~permanent~~ records of the office
177 of the Treasurer as aforesaid, the Treasurer is authorized to
178 return such warrants, vouchers, or checks to the offices of the
179 respective county officials who drew the same and such warrants,
180 vouchers, or checks shall be retained and preserved in such
181 offices to which returned as a part of the ~~permanent~~ records of
182 such offices.

183 Section 2. Section 39.2021, Florida Statutes, is created
184 to read:

185 39.2021 Release of confidential information.--

186 (1) Any person or organization, including the Department
187 of Children and Family Services, may petition the court for an
188 order making public the records of the Department of Children
189 and Family Services that pertain to investigations of alleged
190 abuse, abandonment, or neglect of a child. The court shall
191 determine whether good cause exists for public access to the
192 records sought or a portion thereof. In making this
193 determination, the court shall balance the best interest of the
194 child who is the focus of the investigation and the interest of
195 that child's siblings, together with the privacy right of other
196 persons identified in the reports, against the public interest.



197 The public interest in access to such records is reflected in s.
198 119.01(1) and includes the need for citizens to know of and
199 adequately evaluate the actions of the Department of Children
200 and Family Services and the court system in providing children
201 of this state with the protections enumerated in s. 39.001.
202 However, this subsection does not contravene s. 39.202, which
203 protects the name of any person reporting the abuse,
204 abandonment, or neglect of a child.

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

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

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



223 (c) The date of each judicial proceeding, a summary of
224 each participant's recommendations made at the judicial
225 proceeding, and the ruling of the court.

226
227 The summary information may not include the name of, or other
228 identifying information with respect to, any person identified
229 in any investigation. In making a determination to release
230 confidential information, the court shall balance the best
231 interests of the child who is the focus of the investigation and
232 the interests of that child's siblings, together with the
233 privacy rights of other persons identified in the reports,
234 against the public interest for access to public records.
235 However, this subsection does not contravene s. 39.202, which
236 protects the name of any person reporting abuse, abandonment, or
237 neglect of a child.

238 (3) When the court determines that good cause for public
239 access exists, the court shall direct that the department redact
240 the name of and other identifying information with respect to
241 any person identified in any protective investigation report
242 until such time as the court finds that there is probable cause
243 to believe that the person identified committed an act of
244 alleged abuse, abandonment, or neglect.

245 Section 3. Section 119.01, Florida Statutes, is amended to
246 read:

247 119.01 General state policy on public records.--

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



251 ~~(2) The Legislature finds that, given advancements in~~
252 ~~technology,~~ Providing access to public records is a duty of each
253 agency by remote electronic means is an additional method of
254 access that agencies should strive to provide to the extent
255 feasible. If an agency provides access to public records by
256 remote electronic means, then such access should be provided in
257 the most cost-effective and efficient manner available to the
258 agency providing the information.

259 ~~(2)(a)(3) The Legislature finds that providing access to~~
260 ~~public records is a duty of each agency and that Automation of~~
261 ~~public records must not erode the right of access to public~~
262 ~~those records. As each agency increases its use of and~~
263 ~~dependence on electronic recordkeeping, each agency must provide~~
264 ~~ensure reasonable public access to records electronically~~
265 ~~maintained and must keep information made exempt or confidential~~
266 ~~from being disclosed to the public.~~

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

271 (c) An agency may not enter into a contract for the
272 creation or maintenance of a public records database if that
273 contract impairs the ability of the public to inspect or copy
274 the public records of the agency, including public records that
275 are on-line or stored in an electronic recordkeeping system used
276 by the agency.

277 (d) Subject to the restrictions of copyright and trade
278 secret laws and public records exemptions, agency use of



279 proprietary software must not diminish the right of the public
280 to inspect and copy a public record.

281 (e) Providing access to public records by remote
282 electronic means is an additional method of access that agencies
283 should strive to provide to the extent feasible. If an agency
284 provides access to public records by remote electronic means,
285 such access should be provided in the most cost-effective and
286 efficient manner available to the agency providing the
287 information.

288 (f) Each agency that maintains a public record in an
289 electronic recordkeeping system shall provide to any person,
290 pursuant to this chapter, a copy of any public record in that
291 system which is not exempted by law from public disclosure. An
292 agency must provide a copy of the record in the medium requested
293 if the agency maintains the record in that medium, and the
294 agency may charge a fee in accordance with this chapter. For the
295 purpose of satisfying a public records request, the fee to be
296 charged by an agency if it elects to provide a copy of a public
297 record in a medium not routinely used by the agency, or if it
298 elects to compile information not routinely developed or
299 maintained by the agency or that requires a substantial amount
300 of manipulation or programming, must be in accordance with s.
301 119.07(4).

302 (3) If public funds are expended by an agency as defined
303 in s. 119.011(2) in payment of dues or membership contributions
304 for any person, corporation, foundation, trust, association,
305 group, or other organization, all the financial, business, and
306 membership records of that person, corporation, foundation,



307 trust, association, group, or other organization which pertain
308 to the public agency are public records and subject to the
309 provisions of s. 119.07.

310 ~~(4) Each agency shall establish a program for the disposal~~
311 ~~of records that do not have sufficient legal, fiscal,~~
312 ~~administrative, or archival value in accordance with retention~~
313 ~~schedules established by the records and information management~~
314 ~~program of the Division of Library and Information Services of~~
315 ~~the Department of State.~~

316 Section 4. Section 119.011, Florida Statutes, is amended
317 to read:

318 119.011 Definitions.--As used in ~~For the purpose of this~~
319 ~~chapter, the term:~~

320 (1) "Actual cost of duplication" means the cost of the
321 material and supplies used to duplicate the public record but
322 does not include the labor cost or overhead cost associated with
323 such duplication. ~~"Public records" means all documents, papers,~~
324 ~~letters, maps, books, tapes, photographs, films, sound~~
325 ~~recordings, data processing software, or other material,~~
326 ~~regardless of the physical form, characteristics, or means of~~
327 ~~transmission, made or received pursuant to law or ordinance or~~
328 ~~in connection with the transaction of official business by any~~
329 ~~agency.~~

330 (2) "Agency" means any state, county, district, authority,
331 or municipal officer, department, division, board, bureau,
332 commission, or other separate unit of government created or
333 established by law including, for the purposes of this chapter,
334 the Commission on Ethics, the Public Service Commission, and the



335 Office of Public Counsel, and any other public or private
 336 agency, person, partnership, corporation, or business entity
 337 acting on behalf of any public agency.

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

342 (b) "Criminal investigative information" means information
 343 with respect to an identifiable person or group of persons
 344 compiled by a criminal justice agency in the course of
 345 conducting a criminal investigation of a specific act or
 346 omission, including, but not limited to, information derived
 347 from laboratory tests, reports of investigators or informants,
 348 or any type of surveillance.

349 (c) "Criminal intelligence information" and "criminal
 350 investigative information" shall not include:

351 1. The time, date, location, and nature of a reported
 352 crime.

353 2. The name, sex, age, and address of a person arrested or
 354 of the victim of a crime except as provided in s.
 355 119.07(6)~~(3)~~(f).

356 3. The time, date, and location of the incident and of the
 357 arrest.

358 4. The crime charged.

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

361 119.07(6)~~(3)~~(f), and, except that the court in a criminal case
 362 may order that certain information required by law or agency



363 rule to be given to the person arrested be maintained in a
 364 confidential manner and exempt from the provisions of s.
 365 119.07(1) until released at trial if it is found that the
 366 release of such information would:

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

369 b. Impair the ability of a state attorney to locate or
 370 prosecute a codefendant.

371 6. Informations and indictments except as provided in s.
 372 905.26.

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

374 1. Criminal intelligence information shall be considered
 375 "active" as long as it is related to intelligence gathering
 376 conducted with a reasonable, good faith belief that it will lead
 377 to detection of ongoing or reasonably anticipated criminal
 378 activities.

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

383
 384 In addition, criminal intelligence and criminal investigative
 385 information shall be considered "active" while such information
 386 is directly related to pending prosecutions or appeals. The word
 387 "active" shall not apply to information in cases which are
 388 barred from prosecution under the provisions of s. 775.15 or
 389 other statute of limitation.

390 (4) "Criminal justice agency" means:



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

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

395 (c) Any agency having custody of criminal intelligence
 396 information or criminal investigative information for the
 397 purpose of assisting such law enforcement agencies in the
 398 conduct of active criminal investigation or prosecution or for
 399 the purpose of litigating civil actions under the Racketeer
 400 Influenced and Corrupt Organization Act, during the time that
 401 such agencies are in possession of criminal intelligence
 402 information or criminal investigative information pursuant to
 403 their criminal law enforcement duties; or. ~~The term also~~
 404 ~~includes~~

405 (d) The Department of Corrections.

406 (5) "Custodian of public records" means the elected or
 407 appointed state, county, or municipal officer charged with the
 408 responsibility of maintaining the office having public records,
 409 or his or her designee.

410 (6) "Data processing software" means the programs and
 411 routines used to employ and control the capabilities of data
 412 processing hardware, including, but not limited to, operating
 413 systems, compilers, assemblers, utilities, library routines,
 414 maintenance routines, applications, and computer networking
 415 programs.

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



418 (8) "Exemption" means a provision of general law that
419 provides that a specified record or meeting, or portion thereof,
420 is not subject to the access requirements of s. 119.07(1), s.
421 286.011, or s. 24, Art. I of the State Constitution.

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

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

426 (11) "Public records" means all documents, papers,
427 letters, maps, books, tapes, photographs, films, sound
428 recordings, data processing software, or other material,
429 regardless of the physical form, characteristics, or means of
430 transmission, made or received pursuant to law or ordinance or
431 in connection with the transaction of official business by any
432 agency.

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

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

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

442 (b) Collect, process, store, and retrieve financial
443 management information of the agency, such as payroll and
444 accounting records; or



445 (c) Control and direct access authorizations and security
446 measures for automated systems.

447 Section 5. Sections 119.0115, 119.012, and 119.02, Florida
448 Statutes, are repealed.

449 Section 6. Section 119.021, Florida Statutes, is
450 amended to read:

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

453 119.021 Custodial requirements; maintenance, preservation,
454 and retention of public records.--

455 (1) Public records shall be maintained and preserved
456 as follows:

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

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

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

466 2. Whenever any state, county, or municipal records are in
467 need of repair, restoration, or rebinding, the head of the
468 concerned state agency, department, board, or commission; the
469 board of county commissioners of such county; or the governing
470 body of such municipality may authorize that such records be
471 removed from the building or office in which such records are



472 ordinarily kept for the length of time required to repair,
473 restore, or rebind them.

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

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

481 (b) Each agency shall comply with the rules establishing
482 retention schedules and disposal processes for public records
483 which are adopted by the records and information management
484 program of the division.

485 (c) Every public official shall systematically dispose of
486 records no longer needed, subject to the consent of the records
487 and information management program of the division in accordance
488 with s. 257.36.

489 (d) The division may ascertain the condition of public
490 records and shall give advice and assistance to public officials
491 to solve problems related to the preservation, creation, filing,
492 and public accessibility of public records in their custody.
493 Public officials shall assist the division by preparing an
494 inclusive inventory of categories of public records in their
495 custody. The division shall establish a time period for the
496 retention or disposal of each series of records. Upon the
497 completion of the inventory and schedule, the division shall,
498 subject to the availability of necessary space, staff, and other
499 facilities for such purposes, make space available in its



500 records center for the filing of semicurrent records so
501 scheduled and in its archives for noncurrent records of
502 permanent value, and shall render such other assistance as
503 needed, including the microfilming of records so scheduled.

504 (3) Agency orders that comprise final agency action and
505 that must be indexed or listed pursuant to s. 120.53 have
506 continuing legal significance; therefore, notwithstanding any
507 other provision of this chapter or any provision of chapter 257,
508 each agency shall permanently maintain records of such orders
509 pursuant to the applicable rules of the Department of State.

510 (4)(a) Whoever has custody of any public records shall
511 deliver, at the expiration of his or her term of office, to his
512 or her successor or, if there be none, to the records and
513 information management program of the Division of Library and
514 Information Services of the Department of State, all public
515 records kept or received by him or her in the transaction of
516 official business.

517 (b) Whoever is entitled to custody of public records shall
518 demand them from any person having illegal possession of them,
519 who must forthwith deliver the same to him or her. Any person
520 unlawfully possessing public records must, within 10 days,
521 deliver such records to the lawful custodian of public records
522 unless just cause exists for failing to deliver such records.

523 Section 7. Sections 119.031, 119.041, 119.05, and 119.06,
524 Florida Statutes, are repealed.

525 Section 8. Section 119.07, Florida Statutes, is amended to
526 read:



527 119.07 Inspection, ~~examination,~~ and copying ~~duplication~~ of
528 records; fees; exemptions.--

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

534 (b) An exemption from this section does not imply an
535 exemption from s. 286.011. The exemption from s. 286.011 must
536 be expressly provided.

537 (c) A person who has custody of a public record who
538 asserts that an exemption applies to a part of such record shall
539 redact that portion of the record to which an exemption has been
540 asserted and validly applies, and such person shall produce the
541 remainder of such record for inspection and copying.

542 (d) If the person who has custody of a public record
543 contends that the record or part thereof is exempt from
544 inspection and copying, he or she shall state the basis of the
545 exemption that he or she contends is applicable to the record or
546 part thereof, including the statutory citation to an exemption
547 created or afforded by statute.

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

552 (f) In any civil action in which an exemption to this
553 section is asserted, if the exemption is alleged to exist under
554 or by virtue of paragraph(6)(c), paragraph (6)(d), paragraph



555 (6)(e), paragraph(6)(k), paragraph (6)(l), or paragraph (6)(o),
556 the public record or part thereof in question shall be submitted
557 to the court for an inspection in camera. If an exemption is
558 alleged to exist under or by virtue of paragraph (6)(b), an
559 inspection in camera will be discretionary with the court. If
560 the court finds that the asserted exemption is not applicable,
561 it shall order the public record or part thereof in question to
562 be immediately produced for inspection or copying as requested
563 by the person seeking such access.

564 (g) Regardless of whether an assertion is made by the
565 custodian of public records that a requested record is not a
566 public record subject to public inspection or copying under this
567 subsection, the requested record shall not be disposed of for a
568 period of 30 days after the date on which a written request to
569 inspect or copy the record was served on or otherwise made to
570 the custodian of public records by the person seeking access to
571 the record. If a civil action is instituted within the 30-day
572 period to enforce the provisions of this section with respect to
573 the requested record, the custodian of public records may not
574 dispose of the record except by order of a court of competent
575 jurisdiction after notice to all affected parties.

576 (h) The absence of a civil action instituted for the
577 purpose stated in paragraph (f) does not relieve the custodian
578 of public records of the duty to maintain the record as a public
579 record if the record is in fact a public record subject to
580 public inspection and copying under this subsection and does not
581 otherwise excuse or exonerate the custodian of public records
582 from any unauthorized or unlawful disposition of such record.



583 (2)(a) Any person shall have the right of access to public
584 records for the purpose of making photographs of the record
585 while in the possession, custody, and control of the custodian
586 of public records.

587 (b) This subsection applies to the making of photographs
588 in the conventional sense by use of a camera device to capture
589 images of public records but excludes the duplication of
590 microfilm in the possession of the clerk of the circuit court
591 where a copy of the microfilm may be made available by the
592 clerk.

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

596 (d) Photographing of public records shall be done in the
597 room where the public records are kept. If, in the judgment of
598 the custodian of public records, this is impossible or
599 impracticable, such photographing shall be done in another room
600 or place, as nearly adjacent as possible to the room where the
601 public records are kept, to be determined by the custodian of
602 public records. Where provision of another room or place for
603 photographing is required, the expense of providing the same
604 shall be paid by the person desiring to photograph the public
605 record pursuant to paragraph (4)(e).

606 (3)(a) As an additional means of inspecting or copying
607 public records, a custodian of public records may provide access
608 to public records by remote electronic means, provided exempt or
609 confidential information is not disclosed.



610 (b) The custodian of public records shall provide
611 safeguards to protect the contents of public records from
612 unauthorized remote electronic access or alteration and to
613 prevent the disclosure or modification of those portions of
614 public records which are exempt or confidential from subsection
615 (1) or s. 24, Art. I of the State Constitution.

616 (c) Unless otherwise required by law, the custodian of
617 public records may charge a fee for remote electronic access,
618 granted under a contractual arrangement with a user, which fee
619 may include the direct and indirect costs of providing such
620 access. Fees for remote electronic access provided to the
621 general public shall be in accordance with the provisions of
622 this section.

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

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

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

632 3. For all other copies, ~~upon payment of the actual cost~~
633 of duplication of the public record. ~~An agency may charge no~~
634 ~~more than an additional 5 cents for each two-sided duplicated~~
635 ~~copy. For purposes of this section, duplicated copies shall mean~~
636 ~~new copies produced by duplicating, as defined in s. 283.30.~~
637 ~~The phrase "actual cost of duplication" means the cost of the~~



638 ~~material and supplies used to duplicate the record, but it does~~
639 ~~not include the labor cost or overhead cost associated with such~~
640 ~~duplication. However,~~

641 (b) The charge for copies of county maps or aerial
642 photographs supplied by county constitutional officers may also
643 include a reasonable charge for the labor and overhead
644 associated with their duplication. ~~Unless otherwise provided by~~
645 ~~law, the fees to be charged for duplication of public records~~
646 ~~shall be collected, deposited, and accounted for in the manner~~
647 ~~prescribed for other operating funds of the agency.~~

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

650 (d)~~(b)~~ If the nature or volume of public records requested
651 to be inspected, ~~examined~~, or copied pursuant to this subsection
652 is such as to require extensive use of information technology
653 resources or extensive clerical or supervisory assistance by
654 personnel of the agency involved, or both, the agency may
655 charge, in addition to the actual cost of duplication, a special
656 service charge, which shall be reasonable and shall be based on
657 the cost incurred for such extensive use of information
658 technology resources or the labor cost of the personnel
659 providing the service that is actually incurred by the agency or
660 attributable to the agency for the clerical and supervisory
661 assistance required, or both.

662 (e)1. Where provision of another room or place is
663 necessary to photograph public records, the expense of providing
664 the same shall be paid by the person desiring to photograph the
665 public records.



666 2. The custodian of public records may charge the person
667 making the photographs for supervision services at a rate of
668 compensation to be agreed upon by the person desiring to make
669 the photographs and the custodian of public records. If they
670 fail to agree as to the appropriate charge, then the charge is
671 to be determined by the custodian of public records.

672 ~~"Information technology resources" means data processing~~
673 ~~hardware and software and services, communications, supplies,~~
674 ~~personnel, facility resources, maintenance, and training.~~

675 (5)(e) When ballots are produced under this section for
676 inspection or examination, no persons other than the supervisor
677 of elections or the supervisor's employees shall touch the
678 ballots. The supervisor of elections shall make a reasonable
679 effort to notify all candidates by telephone or otherwise of the
680 time and place of the inspection or examination. All such
681 candidates, or their representatives, shall be allowed to be
682 present during the inspection or examination.

683 ~~(2)(a) A person who has custody of a public record and who~~
684 ~~asserts that an exemption provided in subsection (3) or in a~~
685 ~~general or special law applies to a particular public record or~~
686 ~~part of such record shall delete or excise from the record only~~
687 ~~that portion of the record with respect to which an exemption~~
688 ~~has been asserted and validly applies, and such person shall~~
689 ~~produce the remainder of such record for inspection and~~
690 ~~examination. If the person who has custody of a public record~~
691 ~~contends that the record or part of it is exempt from inspection~~
692 ~~and examination, he or she shall state the basis of the~~
693 ~~exemption which he or she contends is applicable to the record,~~



694 ~~including the statutory citation to an exemption created or~~
695 ~~afforded by statute, and, if requested by the person seeking the~~
696 ~~right under this subsection to inspect, examine, or copy the~~
697 ~~record, he or she shall state in writing and with particularity~~
698 ~~the reasons for the conclusion that the record is exempt.~~

699 ~~(b) In any civil action in which an exemption to~~
700 ~~subsection (1) is asserted, if the exemption is alleged to exist~~
701 ~~under or by virtue of paragraph(c), paragraph (d), paragraph~~
702 ~~(e), paragraph (k), paragraph(l), or paragraph (o) of subsection~~
703 ~~(3), the public record or part thereof in question shall be~~
704 ~~submitted to the court for an inspection in camera. If an~~
705 ~~exemption is alleged to exist under or by virtue of paragraph~~
706 ~~(b) of subsection (3), an inspection in camera will be~~
707 ~~discretionary with the court. If the court finds that the~~
708 ~~asserted exemption is not applicable, it shall order the public~~
709 ~~record or part thereof in question to be immediately produced~~
710 ~~for inspection, examination, or copying as requested by the~~
711 ~~person seeking such access.~~

712 ~~(c) Even if an assertion is made by the custodian of a~~
713 ~~public record that a requested record is not a public record~~
714 ~~subject to public inspection and examination under subsection~~
715 ~~(1), the requested record shall, nevertheless, not be disposed~~
716 ~~of for a period of 30 days after the date on which a written~~
717 ~~request requesting the right to inspect, examine, or copy the~~
718 ~~record was served on or otherwise made to the custodian of the~~
719 ~~record by the person seeking access to the record. If a civil~~
720 ~~action is instituted within the 30-day period to enforce the~~
721 ~~provisions of this section with respect to the requested record,~~



722 ~~the custodian shall not dispose of the record except by order of~~
723 ~~a court of competent jurisdiction after notice to all affected~~
724 ~~parties.~~

725 ~~(d) The absence of a civil action instituted for the~~
726 ~~purpose stated in paragraph (c) will not relieve the custodian~~
727 ~~of the duty to maintain the record as a public record if the~~
728 ~~record is in fact a public record subject to public inspection~~
729 ~~and examination under subsection (1) and will not otherwise~~
730 ~~excuse or exonerate the custodian from any unauthorized or~~
731 ~~unlawful disposition of such record.~~

732 (6)(3)(a) Examination questions and answer sheets of
733 examinations administered by a governmental agency for the
734 purpose of licensure, certification, or employment are exempt
735 from the provisions of subsection (1) and s. 24(a), Art. I of
736 the State Constitution. A person who has taken such an
737 examination shall have the right to review his or her own
738 completed examination.

739 (b)1. Active criminal intelligence information and active
740 criminal investigative information are exempt from the
741 provisions of subsection (1) and s. 24(a), Art. I of the State
742 Constitution.

743 2. A request of a law enforcement agency to inspect or
744 copy a public record that is in the custody of another agency,
745 the custodian's response to the request, and any information
746 that would identify the public record that was requested by the
747 law enforcement agency or provided by the custodian are exempt
748 from the requirements of subsection (1) and s. 24(a), Art. I of
749 the State Constitution, during the period in which the



750 information constitutes criminal intelligence ~~criminal-~~
751 ~~intelligence~~ information or criminal investigative ~~criminal-~~
752 ~~investigative~~ information that is active. This exemption is
753 remedial in nature, and it is the intent of the Legislature that
754 the exemption be applied to requests for information received
755 before, on, or after the effective date of this subparagraph.
756 The law enforcement agency shall give notice to the custodial
757 agency when the criminal intelligence ~~criminal-intelligence~~
758 information or criminal investigative ~~criminal-investigative~~
759 information is no longer active, so that the custodian's
760 response to the request and information that would identify the
761 public record requested are available to the public. This
762 subparagraph is subject to the Open Government Sunset Review Act
763 of 1995 in accordance with s. 119.15 and shall stand repealed
764 October 2, 2007, unless reviewed and saved from repeal through
765 reenactment by the Legislature.

766 (c) Any information revealing the identity of a
767 confidential informant or a confidential source is exempt from
768 the provisions of subsection (1) and s. 24(a), Art. I of the
769 State Constitution.

770 (d) Any information revealing surveillance techniques or
771 procedures or personnel is exempt from the provisions of
772 subsection (1) and s. 24(a), Art. I of the State Constitution.
773 Any comprehensive inventory of state and local law enforcement
774 resources compiled pursuant to part I, chapter 23, and any
775 comprehensive policies or plans compiled by a criminal justice
776 agency pertaining to the mobilization, deployment, or tactical
777 operations involved in responding to emergencies, as defined in



778 s. 252.34(3), are exempt from the provisions of subsection(1)
779 and s. 24(a), Art. I of the State Constitution and unavailable
780 for inspection, except by personnel authorized by a state or
781 local law enforcement agency, the office of the Governor, the
782 Department of Legal Affairs, the Department of Law Enforcement,
783 or the Department of Community Affairs as having an official
784 need for access to the inventory or comprehensive policies or
785 plans.

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

789 (f) Any criminal intelligence information or criminal
790 investigative information including the photograph, name,
791 address, or other fact or information which reveals the identity
792 of the victim of the crime of sexual battery as defined in
793 chapter 794; the identity of the victim of a lewd or lascivious
794 offense committed upon or in the presence of a person less than
795 16 years of age, as defined in chapter 800; or the identity of
796 the victim of the crime of child abuse as defined by chapter 827
797 and any criminal intelligence information or criminal
798 investigative information or other criminal record, including
799 those portions of court records and court proceedings, which may
800 reveal the identity of a person who is a victim of any sexual
801 offense, including a sexual offense proscribed in chapter 794,
802 chapter 800, or chapter 827, is exempt from the provisions of
803 subsection(1) and s. 24(a), Art. I of the State Constitution.

804 (g) Any criminal intelligence information or criminal
805 investigative information which reveals the personal assets of



806 the victim of a crime, other than property stolen or destroyed
807 during the commission of the crime, is exempt from the
808 provisions of subsection (1) and s. 24(a), Art. I of the State
809 Constitution.

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

814 (i)1. The home addresses, telephone numbers, social
815 security numbers, and photographs of active or former law
816 enforcement personnel, including correctional and correctional
817 probation officers, personnel of the Department of Children and
818 Family Services whose duties include the investigation of abuse,
819 neglect, exploitation, fraud, theft, or other criminal
820 activities, personnel of the Department of Health whose duties
821 are to support the investigation of child abuse or neglect, and
822 personnel of the Department of Revenue or local governments
823 whose responsibilities include revenue collection and
824 enforcement or child support enforcement; the home addresses,
825 telephone numbers, social security numbers, photographs, and
826 places of employment of the spouses and children of such
827 personnel; and the names and locations of schools and day care
828 facilities attended by the children of such personnel are exempt
829 from the provisions of subsection(1). The home addresses,
830 telephone numbers, and photographs of firefighters certified in
831 compliance with s. 633.35; the home addresses, telephone
832 numbers, photographs, and places of employment of the spouses
833 and children of such firefighters; and the names and locations



834 of schools and day care facilities attended by the children of
835 such firefighters are exempt from subsection (1). The home
836 addresses and telephone numbers of justices of the Supreme
837 Court, district court of appeal judges, circuit court judges,
838 and county court judges; the home addresses, telephone numbers,
839 and places of employment of the spouses and children of justices
840 and judges; and the names and locations of schools and day care
841 facilities attended by the children of justices and judges are
842 exempt from the provisions of subsection (1). The home
843 addresses, telephone numbers, social security numbers, and
844 photographs of current or former state attorneys, assistant
845 state attorneys, statewide prosecutors, or assistant statewide
846 prosecutors; the home addresses, telephone numbers, social
847 security numbers, photographs, and places of employment of the
848 spouses and children of current or former state attorneys,
849 assistant state attorneys, statewide prosecutors, or assistant
850 statewide prosecutors; and the names and locations of schools
851 and day care facilities attended by the children of current or
852 former state attorneys, assistant state attorneys, statewide
853 prosecutors, or assistant statewide prosecutors are exempt from
854 subsection (1) and s. 24(a), Art. I of the State Constitution.

855 2. The home addresses, telephone numbers, social security
856 numbers, and photographs of current or former human resource,
857 labor relations, or employee relations directors, assistant
858 directors, managers, or assistant managers of any local
859 government agency or water management district whose duties
860 include hiring and firing employees, labor contract negotiation,
861 administration, or other personnel-related duties; the names,



862 home addresses, telephone numbers, social security numbers,
863 photographs, and places of employment of the spouses and
864 children of such personnel; and the names and locations of
865 schools and day care facilities attended by the children of such
866 personnel are exempt from subsection (1) and s. 24(a), Art. I of
867 the State Constitution. This subparagraph is subject to the
868 Open Government Sunset Review Act of 1995 in accordance with s.
869 119.15, and shall stand repealed on October 2, 2006, unless
870 reviewed and saved from repeal through reenactment by the
871 Legislature.

872 3. The home addresses, telephone numbers, social security
873 numbers, and photographs of current or former code enforcement
874 officers; the names, home addresses, telephone numbers, social
875 security numbers, photographs, and places of employment of the
876 spouses and children of such persons; and the names and
877 locations of schools and day care facilities attended by the
878 children of such persons are exempt from subsection (1) and s.
879 24(a), Art. I of the State Constitution. This subparagraph is
880 subject to the Open Government Sunset Review Act of 1995 in
881 accordance with s. 119.15, and shall stand repealed on October
882 2, 2006, unless reviewed and saved from repeal through
883 reenactment by the Legislature.

884 4. An agency that is the custodian of the personal
885 information specified in subparagraph 1., subparagraph 2., or
886 subparagraph 3. and that is not the employer of the officer,
887 employee, justice, judge, or other person specified in
888 subparagraph 1., subparagraph 2., or subparagraph 3. shall
889 maintain the exempt status ~~confidentiality~~ of the personal



890 information only if the officer, employee, justice, judge, other
891 person, or employing agency of the designated employee submits a
892 written request for maintenance of the exemption ~~confidentiality~~
893 to the custodial agency.

894 (j) Any information provided to an agency of state
895 government or to an agency of a political subdivision of the
896 state for the purpose of forming ridesharing arrangements, which
897 information reveals the identity of an individual who has
898 provided his or her name for ridesharing, as defined in s.
899 341.031, is exempt from the provisions of subsection (1) and s.
900 24(a), Art. I of the State Constitution.

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

906 (1)1. A public record which was prepared by an agency
907 attorney (including an attorney employed or retained by the
908 agency or employed or retained by another public officer or
909 agency to protect or represent the interests of the agency
910 having custody of the record) or prepared at the attorney's
911 express direction, which reflects a mental impression,
912 conclusion, litigation strategy, or legal theory of the attorney
913 or the agency, and which was prepared exclusively for civil or
914 criminal litigation or for adversarial administrative
915 proceedings, or which was prepared in anticipation of imminent
916 civil or criminal litigation or imminent adversarial
917 administrative proceedings, is exempt from the provisions of



918 subsection(1) and s. 24(a), Art. I of the State Constitution
919 until the conclusion of the litigation or adversarial
920 administrative proceedings. For purposes of capital collateral
921 litigation as set forth in s. 27.7001, the Attorney General's
922 office is entitled to claim this exemption for those public
923 records prepared for direct appeal as well as for all capital
924 collateral litigation after direct appeal until execution of
925 sentence or imposition of a life sentence.

926 2. This exemption is not waived by the release of such
927 public record to another public employee or officer of the same
928 agency or any person consulted by the agency attorney. When
929 asserting the right to withhold a public record pursuant to this
930 paragraph, the agency shall identify the potential parties to
931 any such criminal or civil litigation or adversarial
932 administrative proceedings. If a court finds that the document
933 or other record has been improperly withheld under this
934 paragraph, the party seeking access to such document or record
935 shall be awarded reasonable attorney's fees and costs in
936 addition to any other remedy ordered by the court.

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

944 (n) When an agency of the executive branch of state
945 government seeks to acquire real property by purchase or through



946 the exercise of the power of eminent domain all appraisals,
947 other reports relating to value, offers, and counteroffers must
948 be in writing and are exempt from the provisions of subsection
949 (1) and s. 24(a), Art. I of the State Constitution until
950 execution of a valid option contract or a written offer to sell
951 that has been conditionally accepted by the agency, at which
952 time the exemption shall expire. The agency shall not finally
953 accept the offer for a period of 30 days in order to allow
954 public review of the transaction. The agency may give
955 conditional acceptance to any option or offer subject only to
956 final acceptance by the agency after the 30-day review period.
957 If a valid option contract is not executed, or if a written
958 offer to sell is not conditionally accepted by the agency, then
959 the exemption from the provisions of this chapter shall expire
960 at the conclusion of the condemnation litigation of the subject
961 property. An agency of the executive branch may exempt title
962 information, including names and addresses of property owners
963 whose property is subject to acquisition by purchase or through
964 the exercise of the power of eminent domain, from the provisions
965 of subsection (1) and s. 24(a), Art. I of the State Constitution
966 to the same extent as appraisals, other reports relating to
967 value, offers, and counteroffers. For the purpose of this
968 paragraph, "option contract" means an agreement of an agency of
969 the executive branch of state government to purchase real
970 property subject to final agency approval. This paragraph shall
971 have no application to other exemptions from the provisions of
972 subsection (1) which are contained in other provisions of law



973 and shall not be construed to be an express or implied repeal
974 thereof.

975 (o) Data processing software obtained by an agency under a
976 licensing agreement which prohibits its disclosure and which
977 software is a trade secret, as defined in s. 812.081, and
978 agency-produced data processing software which is sensitive are
979 exempt from the provisions of subsection (1) and s. 24(a), Art.
980 I of the State Constitution. The designation of agency-produced
981 software as sensitive shall not prohibit an agency head from
982 sharing or exchanging such software with another public agency.
983 ~~As used in this paragraph:~~

984 1. ~~"Data processing software" means the programs and~~
985 ~~routines used to employ and control the capabilities of data~~
986 ~~processing hardware, including, but not limited to, operating~~
987 ~~systems, compilers, assemblers, utilities, library routines,~~
988 ~~maintenance routines, applications, and computer networking~~
989 ~~programs.~~

990 2. ~~"Sensitive" means only those portions of data~~
991 ~~processing software, including the specifications and~~
992 ~~documentation, used to:~~

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

995 b. ~~Collect, process, store, and retrieve financial~~
996 ~~management information of the agency, such as payroll and~~
997 ~~accounting records; or~~

998 c. ~~Control and direct access authorizations and security~~
999 ~~measures for automated systems.~~



1000 (p) All complaints and other records in the custody of any
1001 unit of local government which relate to a complaint of
1002 discrimination relating to race, color, religion, sex, national
1003 origin, age, handicap, marital status, sale or rental of
1004 housing, the provision of brokerage services, or the financing
1005 of housing are exempt from the provisions of subsection (1) and
1006 s. 24(a), Art. I of the State Constitution until a finding is
1007 made relating to probable cause, the investigation of the
1008 complaint becomes inactive, or the complaint or other record is
1009 made part of the official record of any hearing or court
1010 proceeding. This provision shall not affect any function or
1011 activity of the Florida Commission on Human Relations. Any
1012 state or federal agency which is authorized to have access to
1013 such complaints or records by any provision of law shall be
1014 granted such access in the furtherance of such agency's
1015 statutory duties, notwithstanding the provisions of this
1016 section. This paragraph shall not be construed to modify or
1017 repeal any special or local act.

1018 (q) All complaints and other records in the custody of any
1019 agency in the executive branch of state government which relate
1020 to a complaint of discrimination relating to race, color,
1021 religion, sex, national origin, age, handicap, or marital status
1022 in connection with hiring practices, position classifications,
1023 salary, benefits, discipline, discharge, employee performance,
1024 evaluation, or other related activities are exempt from the
1025 provisions of subsection (1) and s. 24(a), Art. I of the State
1026 Constitution until a finding is made relating to probable cause,
1027 the investigation of the complaint becomes inactive, or the



1028 | complaint or other record is made part of the official record of
1029 | any hearing or court proceeding. This provision shall not
1030 | affect any function or activity of the Florida Commission on
1031 | Human Relations. Any state or federal agency which is
1032 | authorized to have access to such complaints or records by any
1033 | provision of law shall be granted such access in the furtherance
1034 | of such agency's statutory duties, notwithstanding the
1035 | provisions of this section.

1036 | (r) All records supplied by a telecommunications company,
1037 | as defined by s. 364.02, to a state or local governmental agency
1038 | which contain the name, address, and telephone number of
1039 | subscribers are confidential and exempt from the provisions of
1040 | subsection (1) and s. 24(a), Art. I of the State Constitution.

1041 | (s)1. Any document that reveals the identity, home or
1042 | employment telephone number, home or employment address, or
1043 | personal assets of the victim of a crime and identifies that
1044 | person as the victim of a crime, which document is received by
1045 | any agency that regularly receives information from or
1046 | concerning the victims of crime, is exempt from the provisions
1047 | of subsection(1) and s. 24(a), Art. I of the State Constitution.
1048 | Any information not otherwise held ~~confidential~~ or exempt or
1049 | confidential from the provisions of subsection (1) which reveals
1050 | the home or employment telephone number, home or employment
1051 | address, or personal assets of a person who has been the victim
1052 | of sexual battery, aggravated child abuse, aggravated stalking,
1053 | harassment, aggravated battery, or domestic violence is exempt
1054 | from the provisions of subsection (1) and s. 24(a), Art. I of
1055 | the State Constitution, upon written request by the victim,



1056 which must include official verification that an applicable
1057 crime has occurred. Such information shall cease to be exempt 5
1058 years after the receipt of the written request. Any state or
1059 federal agency that is authorized to have access to such
1060 documents by any provision of law shall be granted such access
1061 in the furtherance of such agency's statutory duties,
1062 notwithstanding the provisions of this section.

1063 2. Any information in a videotaped statement of a minor
1064 who is alleged to be or who is a victim of sexual battery, lewd
1065 acts, or other sexual misconduct proscribed in chapter 800 or in
1066 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
1067 847.0133, or s. 847.0145, which reveals that minor's identity,
1068 including, but not limited to, the minor's face; the minor's
1069 home, school, church, or employment telephone number; the
1070 minor's home, school, church, or employment address; the name of
1071 the minor's school, church, or place of employment; or the
1072 personal assets of the minor; and which identifies that minor as
1073 the victim of a crime described in this subparagraph, is
1074 confidential and exempt from subsection (1) and s. 24(a), Art. I
1075 of the State Constitution. Any governmental agency that is
1076 authorized to have access to such statements by any provision of
1077 law shall be granted such access in the furtherance of the
1078 agency's statutory duties, notwithstanding the provisions of
1079 this section. This subparagraph is subject to the Open
1080 Government Sunset Review Act of 1995 in accordance with s.
1081 119.15, and shall stand repealed on October 2, 2003.

1082 3. A public employee or officer who has access to the
1083 videotaped statement of a minor who is alleged to be or who is a



1084 victim of sexual battery, lewd acts, or other sexual misconduct
1085 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
1086 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145,
1087 may not willfully and knowingly disclose videotaped information
1088 that reveals that minor's identity to a person who is not
1089 assisting in the investigation or prosecution of the alleged
1090 offense or to any person other than the defendant, the
1091 defendant's attorney, or a person specified in an order entered
1092 by the court having jurisdiction of the alleged offense.

1093 4. A person who violates subparagraph 3. commits a
1094 misdemeanor of the first degree, punishable as provided in s.
1095 775.082 or s. 775.083.

1096 (t) Any financial statement which an agency requires a
1097 prospective bidder to submit in order to prequalify for bidding
1098 or for responding to a proposal for a road or any other public
1099 works project is exempt from the provisions of subsection (1)
1100 and s. 24(a), Art. I of the State Constitution.

1101 (u) Where the alleged victim chooses not to file a
1102 complaint and requests that records of the complaint remain
1103 confidential, all records relating to an allegation of
1104 employment discrimination are confidential and exempt from the
1105 provisions of subsection (1) and s. 24(a), Art. I of the State
1106 Constitution.

1107 (v) Medical information pertaining to a prospective,
1108 current, or former officer or employee of an agency which, if
1109 disclosed, would identify that officer or employee is exempt
1110 from the provisions of subsection(1) and s. 24(a), Art. I of the
1111 State Constitution. However, such information may be disclosed



1112 if the person to whom the information pertains or the person's
1113 legal representative provides written permission or pursuant to
1114 court order.

1115 (w)1. If certified pursuant to subparagraph 2., an
1116 investigatory record of the Chief Inspector General within the
1117 Executive Office of the Governor or of the employee designated
1118 by an agency head as the agency inspector general under s.
1119 112.3189 is exempt from the provisions of subsection (1) and s.
1120 24(a), Art. I of the State Constitution until the investigation
1121 ceases to be active, or a report detailing the investigation is
1122 provided to the Governor or the agency head, or 60 days from the
1123 inception of the investigation for which the record was made or
1124 received, whichever first occurs. Investigatory records are
1125 those records which are related to the investigation of an
1126 alleged, specific act or omission or other wrongdoing, with
1127 respect to an identifiable person or group of persons, based on
1128 information compiled by the Chief Inspector General or by an
1129 agency inspector general, as named under the provisions of s.
1130 112.3189, in the course of an investigation. An investigation is
1131 active if it is continuing with a reasonable, good faith
1132 anticipation of resolution and with reasonable dispatch.

1133 2. The Governor, in the case of the Chief Inspector
1134 General, or agency head, in the case of an employee designated
1135 as the agency inspector general under s. 112.3189, may certify
1136 such investigatory records require an exemption to protect the
1137 integrity of the investigation or avoid unwarranted damage to an
1138 individual's good name or reputation. The certification shall
1139 specify the nature and purpose of the investigation and shall be



1140 kept with the exempt records and made public when the records
1141 are made public.

1142 3. The provisions of this paragraph do not apply to
1143 whistle-blower investigations conducted pursuant to the
1144 provisions of ss. 112.3187, 112.3188, 112.3189, and 112.31895.

1145 (x) The social security numbers of all current and former
1146 agency employees which numbers are contained in agency
1147 employment records are exempt from subsection(1) and ~~exempt from~~
1148 s. 24(a), Art. I of the State Constitution. As used in this
1149 paragraph, the term "agency" means an agency as defined in s.
1150 119.011.

1151 (y) The audit report of an internal auditor prepared for
1152 or on behalf of a unit of local government becomes a public
1153 record when the audit becomes final. As used in this paragraph,
1154 "unit of local government" means a county, municipality, special
1155 district, local agency, authority, consolidated city-county
1156 government, or any other local governmental body or public body
1157 corporate or politic authorized or created by general or special
1158 law. An audit becomes final when the audit report is presented
1159 to the unit of local government. Audit workpapers and notes
1160 related to such audit report are confidential and exempt from
1161 the provisions of subsection(1) and s. 24(a), Art. I of the
1162 State Constitution until the audit is completed and the audit
1163 report becomes final.

1164 (z) Any data, record, or document used directly or solely
1165 by a municipally owned utility to prepare and submit a bid
1166 relative to the sale, distribution, or use of any service,
1167 commodity, or tangible personal property to any customer or



1168 prospective customer shall be exempt from the provisions of
1169 subsection (1) and s. 24(a), Art. I of the State Constitution.
1170 This exemption commences when a municipal utility identifies in
1171 writing a specific bid to which it intends to respond. This
1172 exemption no longer applies when the contract for sale,
1173 distribution, or use of the service, commodity, or tangible
1174 personal property is executed, a decision is made not to execute
1175 such contract, or the project is no longer under active
1176 consideration. The exemption in this paragraph includes the bid
1177 documents actually furnished in response to the request for
1178 bids. However, the exemption for the bid documents submitted no
1179 longer applies after the bids are opened by the customer or
1180 prospective customer.

1181 (aa) Upon a request made in a form designated by the
1182 Department of Highway Safety and Motor Vehicles, personal
1183 information contained in a motor vehicle record that identifies
1184 the requester is exempt from subsection(1) and s. 24(a), Art. I
1185 of the State Constitution except as provided in this paragraph.
1186 Personal information includes, but is not limited to, the
1187 requester's social security number, driver identification
1188 number, name, address, telephone number, and medical or
1189 disability information. For purposes of this paragraph,
1190 personal information does not include information relating to
1191 vehicular crashes, driving violations, and driver's status.
1192 Such request may be made only by the person who is the subject
1193 of the motor vehicle record. For purposes of this paragraph,
1194 "motor vehicle record" means any record that pertains to a motor
1195 vehicle operator's permit, motor vehicle title, motor vehicle



1196 registration, or identification card issued by the Department of
1197 Highway Safety and Motor Vehicles. Personal information
1198 contained in motor vehicle records exempted by an individual's
1199 request pursuant to this paragraph shall be released by the
1200 department for any of the following uses:

1201 1. For use in connection with matters of motor vehicle or
1202 driver safety and theft; motor vehicle emissions; motor vehicle
1203 product alterations, recalls, or advisories; performance
1204 monitoring of motor vehicles and dealers by motor vehicle
1205 manufacturers; and removal of nonowner records from the original
1206 owner records of motor vehicle manufacturers, to carry out the
1207 purposes of the Automobile Information Disclosure Act, the Motor
1208 Vehicle Information and Cost Saving Act, the National Traffic
1209 and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of
1210 1992, and the Clean Air Act.

1211 2. For use by any government agency, including any court
1212 or law enforcement agency, in carrying out its functions, or any
1213 private person or entity acting on behalf of a federal, state,
1214 or local agency in carrying out its functions.

1215 3. For use in connection with matters of motor vehicle or
1216 driver safety and theft; motor vehicle emissions; motor vehicle
1217 product alterations, recalls, or advisories; performance
1218 monitoring of motor vehicles, motor vehicle parts, and dealers;
1219 motor vehicle market research activities, including survey
1220 research; and removal of nonowner records from the original
1221 owner records of motor vehicle manufacturers.



1222 4. For use in the normal course of business by a
 1223 legitimate business or its agents, employees, or contractors,
 1224 but only:

1225 a. To verify the accuracy of personal information
 1226 submitted by the individual to the business or its agents,
 1227 employees, or contractors; and

1228 b. If such information as so submitted is not correct or
 1229 is no longer correct, to obtain the correct information, but
 1230 only for the purposes of preventing fraud by, pursuing legal
 1231 remedies against, or recovering on a debt or security interest
 1232 against, the individual.

1233 5. For use in connection with any civil, criminal,
 1234 administrative, or arbitral proceeding in any court or agency or
 1235 before any self-regulatory body for:

1236 a. Service of process by any certified process server,
 1237 special process server, or other person authorized to serve
 1238 process in this state.

1239 b. Investigation in anticipation of litigation by an
 1240 attorney licensed to practice law in this state or the agent of
 1241 the attorney.

1242 c. Investigation by any person in connection with any
 1243 filed proceeding.

1244 d. Execution or enforcement of judgments and orders. e.
 1245 Compliance with an order of any court.

1246 6. For use in research activities and for use in producing
 1247 statistical reports, so long as the personal information is not
 1248 published, redisclosed, or used to contact individuals.



1249 7. For use by any insurer or insurance support
1250 organization, or by a self-insured entity, or its agents,
1251 employees, or contractors, in connection with claims
1252 investigation activities, anti-fraud activities, rating, or
1253 underwriting.

1254 8. For use in providing notice to the owners of towed or
1255 impounded vehicles.

1256 9. For use by any licensed private investigative agency or
1257 licensed security service for any purpose permitted under this
1258 paragraph. Personal information obtained based on an exempt
1259 driver's record may not be provided to a client who cannot
1260 demonstrate a need based on a police report, court order, or a
1261 business or personal relationship with the subject of the
1262 investigation.

1263 10. For use by an employer or its agent or insurer to
1264 obtain or verify information relating to a holder of a
1265 commercial driver's license that is required under the
1266 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.
1267 2710 et seq.

1268 11. For use in connection with the operation of private
1269 toll transportation facilities.

1270 12. For bulk distribution for surveys, marketing, or
1271 solicitations when the department has implemented methods and
1272 procedures to ensure that:

1273 a. Individuals are provided an opportunity, in a clear and
1274 conspicuous manner, to prohibit such uses; and

1275 b. The information will be used, rented, or sold solely
1276 for bulk distribution for survey, marketing, and solicitations,



1277 and that surveys, marketing, and solicitations will not be
 1278 directed at those individuals who have timely requested that
 1279 they not be directed at them.

1280 13. For any use if the requesting person demonstrates that
 1281 he or she has obtained the written consent of the person who is
 1282 the subject of the motor vehicle record.

1283 14. For any other use specifically authorized by state
 1284 law, if such use is related to the operation of a motor vehicle
 1285 or public safety.

1286
 1287 Personal information exempted from public disclosure according
 1288 to this paragraph may be disclosed by the Department of Highway
 1289 Safety and Motor Vehicles to an individual, firm, corporation,
 1290 or similar business entity whose primary business interest is to
 1291 resell or redisclose the personal information to persons who are
 1292 authorized to receive such information. Prior to the
 1293 department's disclosure of personal information, such
 1294 individual, firm, corporation, or similar business entity must
 1295 first enter into a contract with the department regarding the
 1296 care, custody, and control of the personal information to ensure
 1297 compliance with the federal Driver's Privacy Protection Act of
 1298 1994 and applicable state laws. An authorized recipient of
 1299 personal information contained in a motor vehicle record, except
 1300 a recipient under subparagraph 12., may contract with the
 1301 Department of Highway Safety and Motor Vehicles to resell or
 1302 redisclose the information for any use permitted under this
 1303 paragraph. However, only authorized recipients of personal
 1304 information under subparagraph 12. may resell or redisclose



1305 personal information pursuant to subparagraph 12. Any
1306 authorized recipient who resells or rediscloses personal
1307 information shall maintain, for a period of 5 years, records
1308 identifying each person or entity that receives the personal
1309 information and the permitted purpose for which it will be used.
1310 Such records shall be made available for inspection upon request
1311 by the department. The department shall adopt rules to carry out
1312 the purposes of this paragraph and the federal Driver's Privacy
1313 Protection Act of 1994, Title XXX, Pub. L. No. 103-322. Rules
1314 adopted by the department shall provide for the payment of
1315 applicable fees and, prior to the disclosure of personal
1316 information pursuant to this paragraph, shall require the
1317 meeting of conditions by the requesting person for the purposes
1318 of obtaining reasonable assurance concerning the identity of
1319 such requesting person, and, to the extent required, assurance
1320 that the use will be only as authorized or that the consent of
1321 the person who is the subject of the personal information has
1322 been obtained. Such conditions may include, but need not be
1323 limited to, the making and filing of a written application in
1324 such form and containing such information and certification
1325 requirements as the department requires.

1326 (bb)1. Medical history records, bank account numbers,
1327 credit card numbers, telephone numbers, and information related
1328 to health or property insurance furnished by an individual to
1329 any agency pursuant to federal, state, or local housing
1330 assistance programs are confidential and exempt from the
1331 provisions of subsection (1) and s. 24(a), Art. I of the State
1332 Constitution. Any other information produced or received by any



1333 private or public entity in direct connection with federal,
 1334 state, or local housing assistance programs, unless the subject
 1335 of another federal or state exemption, is subject to subsection
 1336 (1).

1337 2. Governmental agencies or their agents are entitled to
 1338 access to the records specified in this paragraph for the
 1339 purposes of auditing federal, state, or local housing programs
 1340 or housing assistance programs. Such records may be used by an
 1341 agency, as needed, in any administrative or judicial proceeding,
 1342 provided such records are kept confidential and exempt, unless
 1343 otherwise ordered by a court.

1344 3. This paragraph is repealed effective October 2, 2003,
 1345 and must be reviewed by the Legislature before that date in
 1346 accordance with s. 119.15, the Open Government Sunset Review Act
 1347 of 1995.

1348 (cc) All personal identifying information; bank account
 1349 numbers; and debit, charge, and credit card numbers contained in
 1350 records relating to an individual's personal health or
 1351 eligibility for health-related services made or received by the
 1352 Department of Health or its service providers are confidential
 1353 and exempt from the provisions of subsection (1) and s. 24(a),
 1354 Art. I of the State Constitution, except as otherwise provided
 1355 in this paragraph. Information made confidential and exempt by
 1356 this paragraph shall be disclosed:

1357 1. With the express written consent of the individual or
 1358 the individual's legally authorized representative.

1359 2. In a medical emergency, but only to the extent
 1360 necessary to protect the health or life of the individual.



1361 3. By court order upon a showing of good cause.

1362 4. To a health research entity, if the entity seeks the
1363 records or data pursuant to a research protocol approved by the
1364 department, maintains the records or data in accordance with the
1365 approved protocol, and enters into a purchase and data-use
1366 agreement with the department, the fee provisions of which are
1367 consistent with subsection (4) ~~paragraph (1)(a)~~. The department
1368 may deny a request for records or data if the protocol provides
1369 for intrusive follow-back contacts, has not been approved by a
1370 human studies institutional review board, does not plan for the
1371 destruction of confidential records after the research is
1372 concluded, is administratively burdensome, or does not have
1373 scientific merit. The agreement must restrict the release of
1374 any information, which would permit the identification of
1375 persons, limit the use of records or data to the approved
1376 research protocol, and prohibit any other use of the records or
1377 data. Copies of records or data issued pursuant to this
1378 subparagraph remain the property of the department.

1379

1380 This paragraph is subject to the Open Government Sunset Review
1381 Act of 1995, in accordance with s. 119.15, and shall stand
1382 repealed on October 2, 2006, unless reviewed and saved from
1383 repeal through reenactment by the Legislature.

1384 (dd) Bank account numbers and debit, charge, and credit
1385 card numbers held by an agency are exempt from subsection (1)
1386 and s. 24(a), Art. I of the State Constitution. This exemption
1387 applies to bank account numbers and debit, charge, and credit
1388 card numbers held by an agency before, on, or after the



1389 effective date of this exemption. This paragraph is subject to
1390 the Open Government Sunset Review Act of 1995 in accordance with
1391 s. 119.15, and shall stand repealed on October 2, 2007, unless
1392 reviewed and saved from repeal through reenactment by the
1393 Legislature.

1394 (ee) Building plans, blueprints, schematic drawings, and
1395 diagrams, including draft, preliminary, and final formats, which
1396 depict the internal layout and structural elements of a
1397 building, arena, stadium, water treatment facility, or other
1398 structure owned or operated by an agency as defined in s.
1399 119.011 are exempt from the provisions of subsection (1) and s.
1400 24(a), Art. I of the State Constitution. This exemption applies
1401 to building plans, blueprints, schematic drawings, and diagrams,
1402 including draft, preliminary, and final formats, which depict
1403 the internal layout and structural elements of a building,
1404 arena, stadium, water treatment facility, or other structure
1405 owned or operated by an agency before, on, or after the
1406 effective date of this act. Information made exempt by this
1407 paragraph may be disclosed to another governmental entity if
1408 disclosure is necessary for the receiving entity to perform its
1409 duties and responsibilities; to a licensed architect, engineer,
1410 or contractor who is performing work on or related to the
1411 building, arena, stadium, water treatment facility, or other
1412 structure owned or operated by an agency; or upon a showing of
1413 good cause before a court of competent jurisdiction. The
1414 entities or persons receiving such information shall maintain
1415 the exempt status of the information. This paragraph is subject
1416 to the Open Government Sunset Review Act of 1995 in accordance



1417 with s. 119.15, and shall stand repealed on October 2, 2007,
1418 unless reviewed and reenacted by the Legislature.

1419 (ff)1. Until January 1, 2006, if a social security number,
1420 made confidential and exempt pursuant to s. 119.0721 ~~119.072~~,
1421 ~~created pursuant to s. 1, ch. 2002-256, passed during the 2002~~
1422 ~~regular legislative session~~, or a complete bank account, debit,
1423 charge, or credit card number made exempt pursuant to s.
1424 119.07(6)(dd)(ee), ~~created pursuant to s. 1, ch. 2002-257,~~
1425 ~~passed during the 2002 regular legislative session~~, is or has
1426 been included in a court file, such number may be included as
1427 part of the court record available for public inspection and
1428 copying unless redaction is requested by the holder of such
1429 number, or by the holder's attorney or legal guardian, in a
1430 signed, legibly written request specifying the case name, case
1431 number, document heading, and page number. The request must be
1432 delivered by mail, facsimile, electronic transmission, or in
1433 person to the clerk of the circuit court. The clerk of the
1434 circuit court does not have a duty to inquire beyond the written
1435 request to verify the identity of a person requesting redaction.
1436 A fee may not be charged for the redaction of a social security
1437 number or a bank account, debit, charge, or credit card number
1438 pursuant to such request.

1439 2. Any person who prepares or files a document to be
1440 recorded in the official records by the county recorder as
1441 provided in chapter 28 may not include a person's social
1442 security number or complete bank account, debit, charge, or
1443 credit card number in that document unless otherwise expressly
1444 required by law. Until January 1, 2006, if a social security



1445 number or a complete bank account, debit, charge or credit card
1446 number is or has been included in a document presented to the
1447 county recorder for recording in the official records of the
1448 county, such number may be made available as part of the
1449 official record available for public inspection and copying. Any
1450 person, or his or her attorney or legal guardian, may request
1451 that a county recorder remove from an image or copy of an
1452 official record placed on a county recorder's publicly available
1453 Internet website, or a publicly available Internet website used
1454 by a county recorder to display public records outside the
1455 office or otherwise made electronically available outside the
1456 county recorder's office to the general public, his or her
1457 social security number or complete bank account, debit, charge,
1458 or credit card number contained in that official record. Such
1459 request must be legibly written, signed by the requester, and
1460 delivered by mail, facsimile, electronic transmission, or in
1461 person to the county recorder. The request must specify the
1462 identification page number of the document that contains the
1463 number to be redacted. The county recorder does not have a duty
1464 to inquire beyond the written request to verify the identity of
1465 a person requesting redaction. A fee may not be charged for
1466 redacting such numbers.

1467 3. Upon the effective date of this act, subsections(3) and
1468 (4) of s. 119.0721 ~~119.072~~, do not apply to the clerks of the
1469 circuit court or the county recorder with respect to court
1470 records and official records.

1471 4. On January 1, 2006, and thereafter, the clerk of the
1472 circuit court and the county recorder must keep complete bank



1473 account, debit, charge, and credit card numbers exempt as
1474 provided for in s. 119.07 (6)(dd) ~~(3)(ee)~~, and must keep social
1475 security numbers confidential and exempt as provided for in s.
1476 119.0721 ~~119.072~~, without any person having to request
1477 redaction.

1478 (gg) Any videotape or video signal which, under an
1479 agreement with an agency, is produced, made, or received by, or
1480 is in the custody of, a federally licensed radio or television
1481 station or its agent is exempt from this chapter.

1482 (7) ~~(4)~~ Nothing in this section shall be construed to
1483 exempt from subsection(1) a public record which was made a part
1484 of a court file and which is not specifically closed by order of
1485 court, except as provided in paragraphs (c), (d), (e), (k), (l),
1486 and (o) of subsection (6) ~~(3)~~ and except information or records
1487 which may reveal the identity of a person who is a victim of a
1488 sexual offense as provided in paragraph (f) of subsection (6)
1489 ~~(3)~~.

1490 ~~(5) An exemption from this section does not imply an~~
1491 ~~exemption from or exception to s. 286.011. The exemption from~~
1492 ~~or exception to s. 286.011 must be expressly provided.~~

1493 (8) ~~(6)~~ Nothing in subsection (6) ~~(3)~~ or any other general
1494 or special law shall limit the access of the Auditor General,
1495 the Office of Program Policy Analysis and Government
1496 Accountability, or any state, county, municipal, university,
1497 board of community college, school district, or special district
1498 internal auditor to public records when such person states in
1499 writing that such records are needed for a properly authorized
1500 audit, examination, or investigation. Such person shall



1501 maintain the exempt or confidential status ~~confidentiality~~ of a
1502 any public record ~~records~~ that is exempt or ~~are~~ confidential or
1503 ~~exempt~~ from the provisions of subsection (1) and shall be
1504 subject to the same penalties as the custodian ~~eustodians~~ of
1505 that record ~~those public records~~ for public disclosure of such
1506 record ~~violating confidentiality~~.

1507 ~~(7)(a) Any person or organization, including the~~
1508 ~~Department of Children and Family Services, may petition the~~
1509 ~~court for an order making public the records of the Department~~
1510 ~~of Children and Family Services that pertain to investigations~~
1511 ~~of alleged abuse, neglect, abandonment, or exploitation of a~~
1512 ~~child or a vulnerable adult. The court shall determine if good~~
1513 ~~cause exists for public access to the records sought or a~~
1514 ~~portion thereof. In making this determination, the court shall~~
1515 ~~balance the best interest of the vulnerable adult or child who~~
1516 ~~is the focus of the investigation, and in the case of the child,~~
1517 ~~the interest of that child's siblings, together with the privacy~~
1518 ~~right of other persons identified in the reports against the~~
1519 ~~public interest. The public interest in access to such records~~
1520 ~~is reflected in s. 119.01(1), and includes the need for citizens~~
1521 ~~to know of and adequately evaluate the actions of the Department~~
1522 ~~of Children and Family Services and the court system in~~
1523 ~~providing vulnerable adults and children of this state with the~~
1524 ~~protections enumerated in ss. 39.001 and 415.101. However, this~~
1525 ~~subsection does not contravene ss. 39.202 and 415.107, which~~
1526 ~~protect the name of any person reporting the abuse, neglect, or~~
1527 ~~exploitation of a child or a vulnerable adult.~~



1528 ~~(b) In cases involving serious bodily injury to a child or~~
1529 ~~a vulnerable adult, the Department of Children and Family~~
1530 ~~Services may petition the court for an order for the immediate~~
1531 ~~public release of records of the department which pertain to the~~
1532 ~~protective investigation. The petition must be personally~~
1533 ~~served upon the child or vulnerable adult, the child's parents~~
1534 ~~or guardian, the legal guardian of that person, if any, and any~~
1535 ~~person named as an alleged perpetrator in the report of abuse,~~
1536 ~~neglect, abandonment, or exploitation. The court must determine~~
1537 ~~if good cause exists for the public release of the records~~
1538 ~~sought no later than 24 hours, excluding Saturdays, Sundays, and~~
1539 ~~legal holidays, after the date the department filed the petition~~
1540 ~~with the court. If the court has neither granted nor denied the~~
1541 ~~petition within the 24-hour time period, the department may~~
1542 ~~release to the public summary information including:~~

1543 ~~1. A confirmation that an investigation has been conducted~~
1544 ~~concerning the alleged victim.~~

1545 ~~2. The dates and brief description of procedural~~
1546 ~~activities undertaken during the department's investigation.~~

1547 ~~3. The date of each judicial proceeding, a summary of each~~
1548 ~~participant's recommendations made at the judicial proceedings,~~
1549 ~~and the rulings of the court.~~

1550
1551 ~~The summary information may not include the name of, or other~~
1552 ~~identifying information with respect to, any person identified~~
1553 ~~in any investigation. In making a determination to release~~
1554 ~~confidential information, the court shall balance the best~~
1555 ~~interests of the vulnerable adult or child who is the focus of~~



1556 ~~the investigation and, in the case of the child, the interests~~
1557 ~~of that child's siblings, together with the privacy rights of~~
1558 ~~other persons identified in the reports against the public~~
1559 ~~interest for access to public records. However, this paragraph~~
1560 ~~does not contravene ss. 39.202 and 415.107, which protect the~~
1561 ~~name of any person reporting abuse, neglect, or exploitation of~~
1562 ~~a child or a vulnerable adult.~~

1563 ~~(c) When the court determines that good cause for public~~
1564 ~~access exists, the court shall direct that the department redact~~
1565 ~~the name of and other identifying information with respect to~~
1566 ~~any person identified in any protective investigation report~~
1567 ~~until such time as the court finds that there is probable cause~~
1568 ~~to believe that the person identified committed an act of~~
1569 ~~alleged abuse, neglect, or abandonment.~~

1570 (9)(8) The provisions of this section are not intended to
1571 expand or limit the provisions of Rule 3.220, Florida Rules of
1572 Criminal Procedure, regarding the right and extent of discovery
1573 by the state or by a defendant in a criminal prosecution or in
1574 collateral postconviction proceedings. This section may not be
1575 used by any inmate as the basis for failing to timely litigate
1576 any postconviction action.

1577 Section 9. Section 119.08, Florida Statutes, is repealed.

1578 Section 10. Section 119.084, Florida Statutes, is amended
1579 to read:

1580 119.084 Definitions; copyright of data processing software
1581 created by governmental agencies; sale price and licensing fee;
1582 ~~access to public records; prohibited contracts.--~~

1583 (1) As used in this section, the term:-



1584 ~~(a)~~ "agency" has the same meaning as in s. 119.011(2),
 1585 except that the term does not include any private agency,
 1586 person, partnership, corporation, or business entity.

1587 ~~(b)~~ ~~"Data processing software" means the programs and~~
 1588 ~~routines used to employ and control the capabilities of data~~
 1589 ~~processing hardware, including, but not limited to, operating~~
 1590 ~~systems, compilers, assemblers, utilities, library routines,~~
 1591 ~~maintenance routines, applications, and computer networking~~
 1592 ~~programs.~~

1593 ~~(c)~~ ~~"Proprietary software" means data processing software~~
 1594 ~~that is protected by copyright or trade secret laws.~~

1595 (2) Any agency is authorized to acquire and hold
 1596 copyrights for data processing software created by the agency
 1597 and to enforce its rights pertaining to such copyrights,
 1598 provided that the agency complies with the requirements of this
 1599 section.

1600 (a) Any agency that has acquired a copyright for data
 1601 processing software created by the agency may sell or license
 1602 the copyrighted data processing software to any public agency or
 1603 private person and may establish a price for the sale and a
 1604 license fee for the use of such data processing software.
 1605 Proceeds from the sale or licensing of copyrighted data
 1606 processing software shall be deposited by the agency into a
 1607 trust fund for the agency's appropriate use for authorized
 1608 purposes. Counties, municipalities, and other political
 1609 subdivisions of the state may designate how such sale and
 1610 licensing proceeds are to be used. The price for the sale of
 1611 and the fee for the licensing of copyrighted data processing



1612 software may be based on market considerations. However, the
1613 prices or fees for the sale or licensing of copyrighted data
1614 processing software to an individual or entity solely for
1615 application to information maintained or generated by the agency
1616 that created the copyrighted data processing software shall be
1617 determined pursuant to s. 119.07 (4) ~~(1)~~.

1618 (b) The provisions of this subsection are supplemental to,
1619 and shall not supplant or repeal, any other provision of law
1620 that authorizes an agency to acquire and hold copyrights.

1621 ~~(3) Subject to the restrictions of copyright and trade
1622 secret laws and public records exemptions, agency use of
1623 proprietary software must not diminish the right of the public
1624 to inspect and copy a public record.~~

1625 ~~(4) An agency must consider when designing or acquiring an
1626 electronic recordkeeping system that such system is capable of
1627 providing data in some common format such as, but not limited
1628 to, the American Standard Code for Information Interchange.~~

1629 ~~(5) Each agency that maintains a public record in an
1630 electronic recordkeeping system shall provide to any person,
1631 pursuant to this chapter, a copy of any public record in that
1632 system which is not exempted by law from public disclosure. An
1633 agency must provide a copy of the record in the medium requested
1634 if the agency maintains the record in that medium, and the
1635 agency may charge a fee which shall be in accordance with this
1636 chapter. For the purpose of satisfying a public records request,
1637 the fee to be charged by an agency if it elects to provide a
1638 copy of a public record in a medium not routinely used by the
1639 agency, or if it elects to compile information not routinely~~



1640 ~~developed or maintained by the agency or that requires a~~
1641 ~~substantial amount of manipulation or programming, must be in~~
1642 ~~accordance with s. 119.07(1)(b).~~

1643 ~~(6) An agency may not enter into a contract for the~~
1644 ~~creation or maintenance of a public records database if that~~
1645 ~~contract impairs the ability of the public to inspect or copy~~
1646 ~~the public records of that agency, including public records that~~
1647 ~~are on-line or stored in an electronic recordkeeping system used~~
1648 ~~by the agency. Such contract may not allow any impediment that~~
1649 ~~as a practical matter makes it more difficult for the public to~~
1650 ~~inspect or copy the records than to inspect or copy the agency's~~
1651 ~~records. The fees and costs for the production of such records~~
1652 ~~may not be more than the fees or costs charged by the agency.~~

1653 ~~(3)(7)~~ This section is subject to the Open Government
1654 Sunset Review Act of 1995 in accordance with s. 119.15 and shall
1655 stand repealed on October 2, 2006, unless reviewed and saved
1656 from repeal through reenactment by the Legislature.

1657 Section 11. Sections 119.085 and 119.09, Florida Statutes,
1658 are repealed.

1659 Section 12. Section 119.10, Florida Statutes, is amended
1660 to read:

1661 119.10 Violation of chapter; penalties.--

1662 (1) Any public officer who violates any provision of this
1663 chapter is guilty of a noncriminal infraction, punishable by
1664 fine not exceeding \$500.

1665 (2) Any person who willfully and knowingly violates:
1666 violating



1667 (a) Any of the provisions of this chapter commits is
 1668 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 1669 provided in s. 775.082 or s. 775.083.

1670 ~~(b)(3) Section Any person who willfully and knowingly~~
 1671 ~~violates s.~~ 119.105 commits a felony of the third degree,
 1672 punishable as provided in s. 775.082, s. 775.083, or s.775.084.

1673 Section 13. Section 119.105, Florida Statutes, is amended
 1674 to read:

1675 119.105 Protection of victims of crimes or
 1676 accidents.--Police reports are public records except as
 1677 otherwise made exempt or confidential ~~by general or special law.~~
 1678 Every person is allowed to examine nonexempt or nonconfidential
 1679 police reports. No person who inspects or copies police reports
 1680 for the purpose of obtaining the names and addresses of the
 1681 victims of crimes or accidents shall use any information
 1682 contained therein for any commercial solicitation of the victims
 1683 or relatives of the victims of the reported crimes or accidents.
 1684 Nothing herein shall prohibit the publication of such
 1685 information by any news media or the use of such information for
 1686 any other data collection or analysis purposes.

1687 Section 14. Paragraph (a) of subsection (1) of section
 1688 120.55, Florida Statutes, is amended to read:

1689 120.55 Publication.--

1690 (1) The Department of State shall:

1691 (a)1. Through a continuous revision system, compile and
 1692 publish the "Florida Administrative Code." The Florida
 1693 Administrative Code shall contain ~~Publish in a permanent~~
 1694 ~~compilation entitled "Florida Administrative Code"~~ all rules



1695 adopted by each agency, citing the specific rulemaking authority
1696 pursuant to which each rule was adopted, all history notes as
1697 authorized in s. 120.545(9), and complete indexes to all rules
1698 contained in the code. Supplementation shall be made as often
1699 as practicable, but at least monthly. The department may
1700 contract with a publishing firm for the publication, in a timely
1701 and useful form, of the Florida Administrative Code; however,
1702 the department shall retain responsibility for the code as
1703 provided in this section. This publication shall be the
1704 official compilation of the administrative rules of this state.
1705 The Department of State shall retain the copyright over the
1706 Florida Administrative Code.

1707 2. Rules general in form but applicable to only one school
1708 district, community college district, or county, or a part
1709 thereof, or state university rules relating to internal
1710 personnel or business and finance shall not be published in the
1711 Florida Administrative Code. Exclusion from publication in the
1712 Florida Administrative Code shall not affect the validity or
1713 effectiveness of such rules.

1714 3. At the beginning of the section of the code dealing
1715 with an agency that files copies of its rules with the
1716 department, the department shall publish the address and
1717 telephone number of the executive offices of each agency, the
1718 manner by which the agency indexes its rules, a listing of all
1719 rules of that agency excluded from publication in the code, and
1720 a statement as to where those rules may be inspected.

1721 4. Forms shall not be published in the Florida
1722 Administrative Code; but any form which an agency uses in its



1723 | dealings with the public, along with any accompanying
1724 | instructions, shall be filed with the committee before it is
1725 | used. Any form or instruction which meets the definition of
1726 | "rule" provided in s. 120.52 shall be incorporated by reference
1727 | into the appropriate rule. The reference shall specifically
1728 | state that the form is being incorporated by reference and shall
1729 | include the number, title, and effective date of the form and an
1730 | explanation of how the form may be obtained.

1731 | Section 15. Paragraph (b) of subsection (2) of section
1732 | 257.36, Florida Statutes, is amended to read:

1733 | 257.36 Records and information management.--

1734 | (2)

1735 | (b) Title to any record detained in any records center
1736 | shall remain in the agency transferring such record to the
1737 | division. When the Legislature transfers any duty or
1738 | responsibility of an agency to another agency, the receiving
1739 | agency shall be the custodian of public records with regard to
1740 | the public records associated with that transferred duty or
1741 | responsibility and shall be responsible for the records storage
1742 | service charges of the division. If an agency is dissolved and
1743 | the legislation dissolving that agency does not assign an
1744 | existing agency as the custodian of public records for the
1745 | dissolved agency's records, then the Cabinet is the custodian of
1746 | public records for the dissolved agency, unless the Cabinet
1747 | otherwise designates a custodian. The Cabinet or the agency
1748 | designated by the Cabinet shall be responsible for the records
1749 | storage service charges of the division.

1750 | Section 16. Subsection (5) of section 328.15, Florida



1751 Statutes, is amended to read:

1752 328.15 Notice of lien on vessel; recording.--

1753 (5) The Department of Highway Safety and Motor Vehicles
1754 shall make such rules and regulations as it deems necessary or
1755 proper for the effective administration of this law. The
1756 department may by rule require that a notice of satisfaction of
1757 a lien be notarized. The department shall prepare the forms of
1758 the notice of lien and the satisfaction of lien to be supplied,
1759 at a charge not to exceed 50 percent more than cost, to
1760 applicants for recording the liens or satisfactions and shall
1761 keep a ~~permanent~~ record of such notices of lien and
1762 satisfactions available for inspection by the public at all
1763 reasonable times. The division is authorized to furnish
1764 certified copies of such satisfactions for a fee of \$1, which
1765 certified copies shall be admissible in evidence in all courts
1766 of this state under the same conditions and to the same effect
1767 as certified copies of other public records.

1768 Section 17. Subsection (4) of section 372.5717, Florida
1769 Statutes, is amended to read:

1770 372.5717 Hunter safety course; requirements; penalty.--

1771 (4) The commission shall issue a permanent hunter safety
1772 certification card to each person who successfully completes the
1773 hunter safety course. The commission shall maintain ~~permanent~~
1774 records of hunter safety certification cards issued and shall
1775 establish procedures for replacing lost or destroyed cards.

1776 Section 18. Section 415.1071, Florida Statutes, is created
1777 to read:

1778 415.1071 Release of confidential information.--



1779 (1) Any person or organization, including the Department
1780 of Children and Family Services, may petition the court for an
1781 order making public the records of the Department of Children
1782 and Family Services that pertain to investigations of alleged
1783 abuse, neglect, or exploitation of a vulnerable adult. The court
1784 shall determine whether good cause exists for public access to
1785 the records sought or a portion thereof. In making this
1786 determination, the court shall balance the best interest of the
1787 vulnerable adult who is the focus of the investigation, together
1788 with the privacy right of other persons identified in the
1789 reports, against the public interest. The public interest in
1790 access to such records is reflected in s. 119.01(1) and includes
1791 the need for citizens to know of and adequately evaluate the
1792 actions of the Department of Children and Family Services and
1793 the court system in providing vulnerable adults of this state
1794 with the protections enumerated in s. 415.101. However, this
1795 subsection does not contravene s. 415.107, which protects the
1796 name of any person reporting the abuse, neglect, or exploitation
1797 of a vulnerable adult.

1798 (2) In cases involving serious bodily injury to a
1799 vulnerable adult, the Department of Children and Family Services
1800 may petition the court for an order for the immediate public
1801 release of records of the department which pertain to the
1802 protective investigation. The petition must be personally served
1803 upon the vulnerable adult, the legal guardian of that person, if
1804 any, and any person named as an alleged perpetrator in the
1805 report of abuse, neglect, or exploitation. The court must
1806 determine whether good cause exists for the public release of



1807 the records sought no later than 24 hours, excluding Saturdays,
1808 Sundays, and legal holidays, after the date the department filed
1809 the petition with the court. If the court has neither granted
1810 nor denied the petition within the 24-hour time period, the
1811 department may release to the public summary information
1812 including:

1813 (a) A confirmation that an investigation has been
1814 conducted concerning the alleged victim.

1815 (b) The dates and brief description of procedural
1816 activities undertaken during the department's investigation.

1817 (c) The date of each judicial proceeding, a summary of
1818 each participant's recommendations made at the judicial
1819 proceeding, and the ruling of the court.

1820
1821 The summary information may not include the name of, or other
1822 identifying information with respect to, any person identified
1823 in any investigation. In making a determination to release
1824 confidential information, the court shall balance the best
1825 interests of the vulnerable adult who is the focus of the
1826 investigation, together with the privacy rights of other persons
1827 identified in the reports, against the public interest for
1828 access to public records. However, this subsection does not
1829 contravene s. 415.107, which protects the name of any person
1830 reporting abuse, neglect, or exploitation of a vulnerable adult.

1831 (3) When the court determines that good cause for public
1832 access exists, the court shall direct that the department redact
1833 the name of and other identifying information with respect to
1834 any person identified in any protective investigation report



1835 until such time as the court finds that there is probable cause
 1836 to believe that the person identified committed an act of
 1837 alleged abuse, neglect, or exploitation.

1838 Section 19. Subsection (2) of section 560.121, Florida
 1839 Statutes, is amended to read:

1840 560.121 Records; limited restrictions upon public
 1841 access.--

1842 (2) Examination reports, investigatory records,
 1843 applications, and related information compiled by the
 1844 department, or photographic copies thereof, shall be retained by
 1845 the department for a period of at least 3 ~~10~~ years from the date
 1846 that the examination or investigation ceases to be active.

1847 Application records and related information compiled by the
 1848 department, or photographic copies thereof, shall be retained by
 1849 the department for a period of at least 2 years from the date
 1850 that the registration ceases to be active.

1851 Section 20. Subsection (6) of section 560.123, Florida
 1852 Statutes, is amended to read:

1853 560.123 Florida control of money laundering in the Money
 1854 Transmitters' Code; reports of transactions involving currency
 1855 or monetary instruments; when required; purpose; definitions;
 1856 penalties; corpus delicti.--

1857 (6) The department must retain a copy of all reports
 1858 received under subsection (5) for a minimum of 3 ~~5~~ calendar
 1859 years after receipt of the report. However, if a report or
 1860 information contained in a report is known by the department to
 1861 be the subject of an existing criminal proceeding, the report



1862 must be retained for a minimum of 10 calendar years from the
 1863 date of receipt.

1864 Section 21. Subsection (5) of section 560.129, Florida
 1865 Statutes, is amended to read:

1866 560.129 Confidentiality.--

1867 (5) Examination reports, investigatory records,
 1868 applications, and related information compiled by the
 1869 department, or photographic copies thereof, shall be retained by
 1870 the department for a period of at least 3 ~~10~~ years from the date
 1871 that the examination or investigation ceases to be active.

1872 Application records and related information compiled by the
 1873 department, or photographic copies thereof, shall be retained by
 1874 the department for a period of at least 2 years from the date
 1875 that the registration ceases to be active.

1876 Section 22. Subsection (3) of section 624.311, Florida
 1877 Statutes, is amended to read:

1878 624.311 Records; reproductions; destruction.--

1879 (3) The department may photograph, microphotograph, or
 1880 reproduce on film, or maintain in an electronic recordkeeping
 1881 system ~~whereby each page will be reproduced in exact conformity~~
 1882 ~~with the original~~, all financial records, financial statements
 1883 of domestic insurers, reports of business transacted in this
 1884 state by foreign insurers and alien insurers, reports of
 1885 examination of domestic insurers, and such other records and
 1886 documents on file in its office as it may in its discretion
 1887 select.

1888 Section 23. Subsection (1) of section 624.312, Florida
 1889 Statutes, is amended to read:



1890 624.312 Reproductions and certified copies of records as
1891 evidence.--

1892 (1) Photographs or microphotographs in the form of film or
1893 prints, or other reproductions from an electronic recordkeeping
1894 system, of documents and records made under s. 624.311(3), or
1895 made under former s. 624.311(3) before October 1, 1982, shall
1896 have the same force and effect as the originals thereof and
1897 shall be treated as originals for the purpose of their
1898 admissibility in evidence. Duly certified or authenticated
1899 reproductions of such photographs or microphotographs or
1900 reproductions from an electronic recordkeeping system shall be
1901 as admissible in evidence as the originals.

1902 Section 24. Subsection (2) of section 633.527, Florida
1903 Statutes, is amended to read:

1904 633.527 Records concerning applicant; extent of
1905 confidentiality.--

1906 (2) All examination test questions, answer sheets, and
1907 grades shall be retained for a period of 2 ~~5~~ years from the date
1908 of the examination.

1909 Section 25. Subsection (8) of section 655.50, Florida
1910 Statutes, is amended to read:

1911 655.50 Florida Control of Money Laundering in Financial
1912 Institutions Act; reports of transactions involving currency or
1913 monetary instruments; when required; purpose; definitions;
1914 penalties.--

1915 ~~(8)(a) The department shall retain a copy of all reports~~
1916 ~~received under subsection (4) for a minimum of 5 calendar years~~
1917 ~~after receipt of the report. However, if a report or~~



1918 ~~information contained in a report is known by the department to~~
1919 ~~be the subject of an existing criminal proceeding, the report~~
1920 ~~shall be retained for a minimum of 10 calendar years after~~
1921 ~~receipt of the report.~~

1922 (a)~~(b)~~ Each financial institution shall maintain for a
1923 minimum of 5 calendar years full and complete records of all
1924 financial transactions, including all records required by 31
1925 C.F.R. parts 103.33 and 103.34.

1926 (b)~~(e)~~ The financial institution shall retain a copy of
1927 all reports filed with the department under subsection (4) for a
1928 minimum of 5 calendar years after submission of the report.
1929 ~~However, if a report or information contained in a report is~~
1930 ~~known by the financial institution to be the subject of an~~
1931 ~~existing criminal proceeding, the report shall be retained for a~~
1932 ~~minimum of 10 calendar years after submission of the report.~~

1933 (c)~~(d)~~ The financial institution shall retain a copy of
1934 all records of exemption for each designation of exempt person
1935 made pursuant to subsection (6) for a minimum of 5 calendar
1936 years after termination of exempt status of such customer.
1937 ~~However, if it is known by the financial institution that the~~
1938 ~~customer or the transactions of the customer are the subject of~~
1939 ~~an existing criminal proceeding, the records shall be retained~~
1940 ~~for a minimum of 10 calendar years after termination of exempt~~
1941 ~~status of such customer.~~

1942 Section 26. Section 945.25, Florida Statutes, is amended
1943 to read:

1944 945.25 Records.--



1945 (1) It shall be the duty of the Department of Corrections
 1946 to obtain and place in its ~~permanent~~ records information as
 1947 complete as practicable ~~may be practicably available~~ on every
 1948 person who may be sentenced to supervision or incarceration
 1949 under the jurisdiction of the department ~~become subject to~~
 1950 ~~parole~~. Such information shall be obtained as soon as possible
 1951 after imposition of sentence and shall, in the discretion of the
 1952 department, include, among other things:

1953 (a) A copy of the indictment or information and a complete
 1954 statement of the facts of the crime for which such person has
 1955 been sentenced.

1956 (b) The court in which the person was sentenced.

1957 (c) The terms of the sentence.

1958 (d) The name of the presiding judge, the prosecuting
 1959 officers, the investigating officers, and the attorneys for the
 1960 person convicted.

1961 (e) A copy of all probation reports which may have been
 1962 made.

1963 (f) Any social, physical, mental, psychiatric, or criminal
 1964 record of such person.

1965 (2) ~~The department, in its discretion, shall also obtain~~
 1966 ~~and place in its permanent records such information on every~~
 1967 ~~person who may be placed on probation, and on every person who~~
 1968 ~~may become subject to pardon and commutation of sentence.~~

1969 ~~(3)~~ It shall be the duty of the court and its prosecuting
 1970 officials to furnish to the department upon its request such
 1971 information and also to furnish such copies of such minutes and



1972 other records as may be in their possession or under their
 1973 control.

1974 (3)~~(4)~~ Following the initial hearing provided for in s.
 1975 947.172(1), the commission shall prepare and the department
 1976 shall include in the official record a copy of the seriousness-
 1977 of-offense and favorable-parole-outcome scores and shall include
 1978 a listing of the specific factors and information used in
 1979 establishing a presumptive parole release date for the inmate.

1980 Section 27. Paragraph (e) of subsection (4) of section
 1981 985.31, Florida Statutes, is amended to read:

1982 985.31 Serious or habitual juvenile offender.--

1983 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

1984 (e) The results of any serologic blood or urine test on a
 1985 serious or habitual juvenile offender shall become a part of
 1986 that child's ~~permanent~~ medical file. Upon transfer of the child
 1987 to any other designated treatment facility, such file shall be
 1988 transferred in an envelope marked confidential. The results of
 1989 any test designed to identify the human immunodeficiency virus,
 1990 or its antigen or antibody, shall be accessible only to persons
 1991 designated by rule of the department. The provisions of such
 1992 rule shall be consistent with the guidelines established by the
 1993 Centers for Disease Control and Prevention.

1994 Section 28. Paragraph (d) of subsection (6) of section
 1995 212.095, Florida Statutes, is amended to read:

1996 212.095 Refunds.--

1997 (6)



1998 ~~(d) The department shall keep a permanent record of the~~
 1999 ~~amount of refund claimed and paid to each claimant. Such records~~
 2000 ~~shall be open to public inspection.~~

2001 Section 29. Subsection (9) of section 238.03, Florida
 2002 Statutes, is amended to read:

2003 238.03 Administration.--

2004 ~~(9) The department is authorized to photograph and reduce~~
 2005 ~~to microfilm as a permanent record, its ledger sheets showing~~
 2006 ~~the salary and contributions of members of the retirement~~
 2007 ~~system, also the records of deceased members of the system and~~
 2008 ~~thereupon to destroy the documents from which such films are~~
 2009 ~~photographed.~~

2010 Section 30. Paragraph (a) of subsection (5) of section
 2011 15.09, Florida Statutes, is amended to read:

2012 15.09 Fees.--

2013 (5)(a) There is created within the Department of State a
 2014 Public Access Data Systems Trust Fund, which shall be used by
 2015 the department to purchase information systems and equipment
 2016 that provide greater public accessibility to the information and
 2017 records maintained by it. Notwithstanding any other provision of
 2018 law, the Divisions of Licensing, Elections, and Corporations of
 2019 the department shall transfer each fiscal year to the Public
 2020 Access Data Systems Trust Fund from their respective trust
 2021 funds:

2022 1. An amount equal to 2 percent of all revenues received
 2023 for the processing of documents, filings, or information
 2024 requests.



2025 2. All public access network revenues collected pursuant
 2026 to s. 15.16 or s. 119.01(2)(f) ~~119.085~~.

2027 Section 31. Paragraph (f) of subsection (1) of section
 2028 23.22, Florida Statutes, is amended to read:

2029 23.22 Paperwork reduction; activities of departments.--

2030 (1) In order to reduce the amount of paperwork associated
 2031 with the collection of information from individuals, private-
 2032 sector organizations, and local governments and to provide more
 2033 efficient and effective assistance to such individuals and
 2034 organizations in completing necessary paperwork required by the
 2035 government, each department head shall, to the extent feasible:

2036 (f) Collaborate with the Division of Library and
 2037 Information Services, pursuant to s. 119.021(2)(d) ~~119.09~~, to
 2038 identify and index records retention requirements placed on
 2039 private-sector organizations and local governments in Florida,
 2040 clarify and reduce the requirements, and educate the affected
 2041 entities through various communications media, including voice,
 2042 data, video, radio, and image.

2043 Section 32. Paragraph (d) of subsection (1) of section
 2044 101.5607, Florida Statutes, is amended to read:

2045 101.5607 Department of State to maintain voting system
 2046 information; prepare software.--

2047 (1)

2048 (d) Section ~~119.07(6)(3)~~(o) applies to all software on
 2049 file with the Department of State.

2050 Section 33. Paragraph (b) of subsection (2) of section
 2051 112.533, Florida Statutes, is amended to read:

2052 112.533 Receipt and processing of complaints.--



2053 (2)
 2054 (b) This subsection does not apply to any public record
 2055 which is exempt from public disclosure pursuant to s.
 2056 119.07(6)~~(3)~~. For the purposes of this subsection, an
 2057 investigation shall be considered active as long as it is
 2058 continuing with a reasonable, good faith anticipation that an
 2059 administrative finding will be made in the foreseeable future.
 2060 An investigation shall be presumed to be inactive if no finding
 2061 is made within 45 days after the complaint is filed.

2062 Section 34. Paragraph (e) of subsection (2) of section
 2063 1012.31, Florida Statutes, is amended to read:

2064 1012.31 Personnel files.--Public school system employee
 2065 personnel files shall be maintained according to the following
 2066 provisions:

2067 (2)
 2068 (e) Upon request, an employee, or any person designated in
 2069 writing by the employee, shall be permitted to examine the
 2070 personnel file of such employee. The employee shall be
 2071 permitted conveniently to reproduce any materials in the file,
 2072 at a cost no greater than the fees prescribed in s.
 2073 119.07(4)~~(1)~~.

2074 Section 35. Subsection (1) of section 257.34, Florida
 2075 Statutes, is amended to read:

2076 257.34 Florida International Archive and Repository.--

2077 (1) There is created within the Division of Library and
 2078 Information Services of the Department of State the Florida
 2079 International Archive and Repository for the preservation of
 2080 those public records, as defined in s. 119.011(11)~~(1)~~,



2081 manuscripts, international judgments involving disputes between
2082 domestic and foreign businesses, and all other public matters
2083 that the department or the Florida Council of International
2084 Development deems relevant to international issues. It is the
2085 duty and responsibility of the division to:

2086 (a) Organize and administer the Florida International
2087 Archive and Repository.

2088 (b) Preserve and administer records that are transferred
2089 to its custody; accept, arrange, and preserve them, according to
2090 approved archival and repository practices; and permit them, at
2091 reasonable times and under the supervision of the division, to
2092 be inspected, examined, and copied. All public records
2093 transferred to the custody of the division are subject to the
2094 provisions of s. 119.07(1).

2095 (c) Assist the records and information management program
2096 in the determination of retention values for records.

2097 (d) Cooperate with and assist, insofar as practicable,
2098 state institutions, departments, agencies, counties,
2099 municipalities, and individuals engaged in internationally
2100 related activities.

2101 (e) Provide a public research room where, under rules
2102 established by the division, the materials in the international
2103 archive and repository may be studied.

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



2108 | scholarly community, and the general public engaged in such
 2109 | research.

2110 | (g) Cooperate with and, insofar as practicable, assist
 2111 | agencies, libraries, institutions, and individuals in projects
 2112 | concerned with internationally related issues and preserve
 2113 | original materials relating to internationally related issues.

2114 | (h) Assist and cooperate with the records and information
 2115 | management program in the training and information program
 2116 | described in s. 257.36(1)(g).

2117 | Section 36. Subsection (1) of section 257.35, Florida
 2118 | Statutes, is amended to read:

2119 | 257.35 Florida State Archives.--

2120 | (1) There is created within the Division of Library and
 2121 | Information Services of the Department of State the Florida
 2122 | State Archives for the preservation of those public records, as
 2123 | defined in s. 119.011(11)(~~1~~), manuscripts, and other archival
 2124 | material that have been determined by the division to have
 2125 | sufficient historical or other value to warrant their continued
 2126 | preservation and have been accepted by the division for deposit
 2127 | in its custody. It is the duty and responsibility of the
 2128 | division to:

2129 | (a) Organize and administer the Florida State Archives.

2130 | (b) Preserve and administer such records as shall be
 2131 | transferred to its custody; accept, arrange, and preserve them,
 2132 | according to approved archival practices; and permit them, at
 2133 | reasonable times and under the supervision of the division, to
 2134 | be inspected, examined, and copied. All public records
 2135 | transferred to the custody of the division shall be subject to



2136 the provisions of s. 119.07(1), except that any public record or
2137 other record provided by law to be confidential or prohibited
2138 from inspection by the public shall be made accessible only
2139 after a period of 50 years from the date of the creation of the
2140 record. Any nonpublic manuscript or other archival material
2141 which is placed in the keeping of the division under special
2142 terms and conditions, shall be made accessible only in
2143 accordance with such law terms and conditions and shall be
2144 exempt from the provisions of s. 119.07(1) to the extent
2145 necessary to meet the terms and conditions for a nonpublic
2146 manuscript or other archival material.

2147 (c) Assist the records and information management program
2148 in the determination of retention values for records.

2149 (d) Cooperate with and assist insofar as practicable state
2150 institutions, departments, agencies, counties, municipalities,
2151 and individuals engaged in activities in the field of state
2152 archives, manuscripts, and history and accept from any person
2153 any paper, book, record, or similar material which in the
2154 judgment of the division warrants preservation in the state
2155 archives.

2156 (e) Provide a public research room where, under rules
2157 established by the division, the materials in the state archives
2158 may be studied.

2159 (f) Conduct, promote, and encourage research in Florida
2160 history, government, and culture and maintain a program of
2161 information, assistance, coordination, and guidance for public
2162 officials, educational institutions, libraries, the scholarly
2163 community, and the general public engaged in such research.



2164 (g) Cooperate with and, insofar as practicable, assist
2165 agencies, libraries, institutions, and individuals in projects
2166 designed to preserve original source materials relating to
2167 Florida history, government, and culture and prepare and publish
2168 handbooks, guides, indexes, and other literature directed toward
2169 encouraging the preservation and use of the state's documentary
2170 resources.

2171 (h) Encourage and initiate efforts to preserve, collect,
2172 process, transcribe, index, and research the oral history of
2173 Florida government.

2174 (i) Assist and cooperate with the records and information
2175 management program in the training and information program
2176 described in s. 257.36(1)(g).

2177 Section 37. Section 282.21, Florida Statutes, is amended
2178 to read:

2179 282.21 The State Technology Office's electronic access
2180 services.--The State Technology Office may collect fees for
2181 providing remote electronic access pursuant to s. 119.01(2)(f)
2182 ~~119.085~~. The fees may be imposed on individual transactions or
2183 as a fixed subscription for a designated period of time. All
2184 fees collected under this section shall be deposited in the
2185 appropriate trust fund of the program or activity that made the
2186 remote electronic access available.

2187 Section 38. Paragraph (h) of subsection (2) of section
2188 287.0943, Florida Statutes, is amended to read:

2189 287.0943 Certification of minority business enterprises.--
2190 (2)



2191 (h) The certification procedures should allow an applicant
2192 seeking certification to designate on the application form the
2193 information the applicant considers to be proprietary,
2194 confidential business information. As used in this paragraph,
2195 "proprietary, confidential business information" includes, but
2196 is not limited to, any information that would be exempt from
2197 public inspection pursuant to the provisions of s. 119.07(6)~~(3)~~;
2198 trade secrets; internal auditing controls and reports; contract
2199 costs; or other information the disclosure of which would injure
2200 the affected party in the marketplace or otherwise violate s.
2201 286.041. The executor in receipt of the application shall issue
2202 written and final notice of any information for which
2203 noninspection is requested but not provided for by law.

2204 Section 39. Subsection (1) of section 320.05, Florida
2205 Statutes, is amended to read:

2206 320.05 Records of the department; inspection procedure;
2207 lists and searches; fees.--

2208 (1) Except as provided in ss. 119.07(6)~~(3)~~ and 320.025(3),
2209 the department may release records as provided in this section.

2210 Section 40. Subsection (8) of section 322.20, Florida
2211 Statutes, is amended to read:

2212 322.20 Records of the department; fees; destruction of
2213 records.--

2214 (8) Except as provided in s. 119.07(6)~~(3)~~, the department
2215 may release records as provided in this section.

2216 Section 41. Paragraph (b) of subsection (2) of section
2217 338.223, Florida Statutes, is amended to read:

2218 338.223 Proposed turnpike projects.--



2219 (2)

2220 (b) In accordance with the legislative intent expressed in

2221 s. 337.273, and after the requirements of paragraph(1)(c) have

2222 been met, the department may acquire lands and property before

2223 making a final determination of the economic feasibility of a

2224 project. The requirements of paragraph (1)(c) do not apply to

2225 hardship and protective purchases of advance right-of-way by

2226 the department. The cost of advance acquisition of right-of-way

2227 may be paid from bonds issued under s. 337.276 or from turnpike

2228 revenues. For purposes of this paragraph, the term "hardship

2229 purchase" means purchase from a property owner of a residential

2230 dwelling of not more than four units who is at a disadvantage

2231 due to health impairment, job loss, or significant loss of

2232 rental income. For purposes of this paragraph, the term

2233 "protective purchase" means that a purchase to limit

2234 development, building, or other intensification of land uses

2235 within the area right-of-way is needed for transportation

2236 facilities. The department shall give written notice to the

2237 Department of Environmental Protection 30 days before final

2238 agency acceptance as set forth in s. 119.07(6)(~~3~~)(n), which

2239 notice shall allow the Department of Environmental Protection to

2240 comment. Hardship and protective purchases of right-of-way

2241 shall not influence the environmental feasibility of a project,

2242 including the decision relative to the need to construct the

2243 project or the selection of a specific location. Costs to

2244 acquire and dispose of property acquired as hardship and

2245 protective purchases are considered costs of doing business for



2246 the department and are not to be considered in the determination
 2247 of environmental feasibility for the project.

2248 Section 42. Paragraph (a) of subsection (1) of section
 2249 378.406, Florida Statutes, is amended to read:

2250 378.406 Confidentiality of records; availability of
 2251 information.--

2252 (1)(a) Any information relating to prospecting, rock
 2253 grades, or secret processes or methods of operation which may be
 2254 required, ascertained, or discovered by inspection or
 2255 investigation shall be exempt from the provisions of s.
 2256 119.07(1), shall not be disclosed in public hearings, and shall
 2257 be kept confidential by any member, officer, or employee of the
 2258 department, if the applicant requests the department to keep
 2259 such information confidential and informs the department of the
 2260 basis for such confidentiality. Should the secretary determine
 2261 that such information requested to be kept confidential shall
 2262 not be kept confidential, the secretary shall provide the
 2263 operator with not less than 30 days' notice of his or her intent
 2264 to release the information. When making his or her
 2265 determination, the secretary shall consider the public purposes
 2266 specified in s. 119.15 ~~119.14~~(4)(b).

2267 Section 43. Paragraph (c) of subsection (1) of section
 2268 400.0077, Florida Statutes, is amended to read:

2269 400.0077 Confidentiality.--

2270 (1) The following are confidential and exempt from the
 2271 provisions of s. 119.07(1):

2272 (c) Any other information about a complaint, including any
 2273 problem identified by an ombudsman council as a result of an



2274 investigation, unless an ombudsman council determines that the
 2275 information does not meet any of the criteria specified in s.
 2276 119.15 ~~119.14~~(4)(b); or unless the information is to collect
 2277 data for submission to those entities specified in s. 712(c) of
 2278 the federal Older Americans Act for the purpose of identifying
 2279 and resolving significant problems.

2280 Section 44. Subsection (5) of section 401.27, Florida
 2281 Statutes, is amended to read:

2282 401.27 Personnel; standards and certification.--

2283 (5) The certification examination must be offered monthly.
 2284 The department shall issue an examination admission notice to
 2285 the applicant advising him or her of the time and place of the
 2286 examination for which he or she is scheduled. Individuals
 2287 achieving a passing score on the certification examination may
 2288 be issued a temporary certificate with their examination grade
 2289 report. The department must issue an original certification
 2290 within 45 days after the examination. Examination questions and
 2291 answers are not subject to discovery but may be introduced into
 2292 evidence and considered only in camera in any administrative
 2293 proceeding under chapter 120. If an administrative hearing is
 2294 held, the department shall provide challenged examination
 2295 questions and answers to the administrative law judge. The
 2296 department shall establish by rule the procedure by which an
 2297 applicant, and the applicant's attorney, may review examination
 2298 questions and answers in accordance with s. 119.07 (6) ~~(3)~~(a).

2299 Section 45. Subsection (1) of section 403.111, Florida
 2300 Statutes, is amended to read:

2301 403.111 Confidential records.--



2302 (1) Any information, other than effluent data and those
 2303 records described in 42 U.S.C. s. 7661a(b)(8), relating to
 2304 secret processes or secret methods of manufacture or production,
 2305 or relating to costs of production, profits, or other financial
 2306 information which is otherwise not public record, which may be
 2307 required, ascertained, or discovered by inspection or
 2308 investigation shall be exempt from the provisions of s.
 2309 119.07(1), shall not be disclosed in public hearings, and shall
 2310 be kept confidential by any member, officer, or employee of the
 2311 department, upon a showing satisfactory to the department that
 2312 the information should be kept confidential. The person from
 2313 whom the information is obtained must request that the
 2314 department keep such information confidential and must inform
 2315 the department of the basis for the claim of confidentiality.
 2316 The department shall, subject to notice and opportunity for
 2317 hearing, determine whether the information requested to be kept
 2318 confidential should or should not be kept confidential. The
 2319 department shall determine whether the information submitted
 2320 should be kept confidential pursuant to the public purpose test
 2321 as stated in s. 119.15 ~~119.14~~(4)(b)3.

2322 Section 46. Section 409.2577, Florida Statutes, is
 2323 amended to read:

2324 409.2577 Parent locator service.--The department shall
 2325 establish a parent locator service to assist in locating parents
 2326 who have deserted their children and other persons liable for
 2327 support of dependent children. The department shall use all
 2328 sources of information available, including the Federal Parent
 2329 Locator Service, and may request and shall receive information



2330 from the records of any person or the state or any of its
2331 political subdivisions or any officer thereof. Any agency as
2332 defined in s. 120.52, any political subdivision, and any other
2333 person shall, upon request, provide the department any
2334 information relating to location, salary, insurance, social
2335 security, income tax, and employment history necessary to locate
2336 parents who owe or potentially owe a duty of support pursuant to
2337 Title IV-D of the Social Security Act. This provision shall
2338 expressly take precedence over any other statutory nondisclosure
2339 provision which limits the ability of an agency to disclose such
2340 information, except that law enforcement information as provided
2341 in s. 119.07 (6)~~(3)~~(i) is not required to be disclosed, and
2342 except that confidential taxpayer information possessed by the
2343 Department of Revenue shall be disclosed only to the extent
2344 authorized in s. 213.053(15). Nothing in this section requires
2345 the disclosure of information if such disclosure is prohibited
2346 by federal law. Information gathered or used by the parent
2347 locator service is confidential and exempt from the provisions
2348 of s. 119.07(1). Additionally, the department is authorized to
2349 collect any additional information directly bearing on the
2350 identity and whereabouts of a person owing or asserted to be
2351 owing an obligation of support for a dependent child. The
2352 department shall, upon request, make information available only
2353 to public officials and agencies of this state; political
2354 subdivisions of this state, including any agency thereof
2355 providing child support enforcement services to non-Title IV-D
2356 clients; the custodial parent, legal guardian, attorney, or
2357 agent of the child; and other states seeking to locate parents



2358 | who have deserted their children and other persons liable for
 2359 | support of dependents, for the sole purpose of establishing,
 2360 | modifying, or enforcing their liability for support, and shall
 2361 | make such information available to the Department of Children
 2362 | and Family Services for the purpose of diligent search
 2363 | activities pursuant to chapter 39. If the department has
 2364 | reasonable evidence of domestic violence or child abuse and the
 2365 | disclosure of information could be harmful to the custodial
 2366 | parent or the child of such parent, the child support program
 2367 | director or designee shall notify the Department of Children and
 2368 | Family Services and the Secretary of the United States
 2369 | Department of Health and Human Services of this evidence. Such
 2370 | evidence is sufficient grounds for the department to disapprove
 2371 | an application for location services.

2372 | Section 47. Subsection (6) of section 455.219, Florida
 2373 | Statutes, is amended to read:

2374 | 455.219 Fees; receipts; disposition; periodic management
 2375 | reports.--

2376 | (6) The department or the appropriate board shall charge a
 2377 | fee not to exceed \$25 for the certification of a public record.
 2378 | The fee shall be determined by rule of the department. The
 2379 | department or the appropriate board shall assess a fee for
 2380 | duplication of a public record as provided in s. 119.07 (4) ~~(1)(a)~~
 2381 | and ~~(b)~~.

2382 | Section 48. Subsection (11) of section 456.025, Florida
 2383 | Statutes, is amended to read:

2384 | 456.025 Fees; receipts; disposition.--



2385 (11) The department or the appropriate board shall charge
 2386 a fee not to exceed \$25 for the certification of a public
 2387 record. The fee shall be determined by rule of the department.
 2388 The department or the appropriate board shall assess a fee for
 2389 duplicating a public record as provided in s. 119.07(4)~~(1)(a)~~
 2390 ~~and(b)~~.

2391 Section 49. Paragraph (1) of subsection (3) of section
 2392 627.311, Florida Statutes, is amended to read:

2393 627.311 Joint underwriters and joint reinsurers.--

2394 (3) The department may, after consultation with insurers
 2395 licensed to write automobile insurance in this state, approve a
 2396 joint underwriting plan for purposes of equitable apportionment
 2397 or sharing among insurers of automobile liability insurance and
 2398 other motor vehicle insurance, as an alternate to the plan
 2399 required in s. 627.351(1). All insurers authorized to write
 2400 automobile insurance in this state shall subscribe to the plan
 2401 and participate therein. The plan shall be subject to
 2402 continuous review by the department which may at any time
 2403 disapprove the entire plan or any part thereof if it determines
 2404 that conditions have changed since prior approval and that in
 2405 view of the purposes of the plan changes are warranted. Any
 2406 disapproval by the department shall be subject to the provisions
 2407 of chapter 120. If adopted, the plan and the association created
 2408 under the plan:

2409 (1)1. Shall be subject to the public records requirements
 2410 of chapter 119 and the public meeting requirements of s.
 2411 286.011. However, the following records of the Florida
 2412 Automobile Joint Underwriting Association are confidential and



2413 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2414 Constitution:

2415 a. Underwriting files, except that a policyholder or an
2416 applicant shall have access to his or her own underwriting
2417 files.

2418 b. Claims files, until termination of all litigation and
2419 settlement of all claims arising out of the same incident,
2420 although portions of the claims files may remain exempt, as
2421 otherwise provided by law. Confidential and exempt claims file
2422 records may be released to other governmental agencies upon
2423 written request and demonstration of need; such records held by
2424 the receiving agency remain confidential and exempt as provided
2425 by this paragraph.

2426 c. Records obtained or generated by an internal auditor
2427 pursuant to a routine audit, until the audit is completed or, if
2428 the audit is conducted as part of an investigation, until the
2429 investigation is closed or ceases to be active. An investigation
2430 is considered "active" while the investigation is being
2431 conducted with a reasonable, good faith belief that it could
2432 lead to the filing of administrative, civil, or criminal
2433 proceedings.

2434 d. Matters reasonably encompassed in privileged attorney-
2435 client communications.

2436 e. Proprietary information licensed to the association
2437 under contract when the contract provides for the
2438 confidentiality of such proprietary information.

2439 f. All information relating to the medical condition or
2440 medical status of an association employee which is not relevant



2441 to the employee's capacity to perform his or her duties, except
2442 as otherwise provided in this paragraph. Information which is
2443 exempt shall include, but is not limited to, information
2444 relating to workers' compensation, insurance benefits, and
2445 retirement or disability benefits.

2446 g. All records relative to an employee's participation in
2447 an employee assistance program designed to assist any employee
2448 who has a behavioral or medical disorder, substance abuse
2449 problem, or emotional difficulty which affects the employee's
2450 job performance, except as otherwise provided in s.
2451 112.0455(11).

2452 h. Information relating to negotiations for financing,
2453 reinsurance, depopulation, or contractual services, until the
2454 conclusion of the negotiations.

2455 i. Minutes of closed meetings regarding underwriting
2456 files, and minutes of closed meetings regarding an open claims
2457 file until termination of all litigation and settlement of all
2458 claims with regard to that claim, except that information
2459 otherwise confidential or exempt by law must be redacted. When
2460 an authorized insurer is considering underwriting a risk insured
2461 by the association, relevant underwriting files and confidential
2462 claims files may be released to the insurer provided the insurer
2463 agrees in writing, notarized and under oath, to maintain the
2464 confidentiality of such files. When a file is transferred to an
2465 insurer, that file is no longer a public record because it is
2466 not held by an agency subject to the provisions of the public
2467 records law. The association may make the following information
2468 obtained from underwriting files and confidential claims files



2469 available to licensed general lines insurance agents: name,
2470 address, and telephone number of the automobile owner or
2471 insured; location of the risk; rating information; loss history;
2472 and policy type. The receiving licensed general lines insurance
2473 agent must retain the confidentiality of the information
2474 received.

2475 2. Portions of meetings of the Florida Automobile Joint
2476 Underwriting Association during which confidential underwriting
2477 files or confidential open claims files are discussed are exempt
2478 from the provisions of s. 286.011 and s. 24(b), Art. I of the
2479 State Constitution. All portions of association meetings which
2480 are closed to the public shall be recorded by a court reporter.
2481 The court reporter shall record the times of commencement and
2482 termination of the meeting, all discussion and proceedings, the
2483 names of all persons present at any time, and the names of all
2484 persons speaking. No portion of any closed meeting shall be off
2485 the record. Subject to the provisions of this paragraph and s.
2486 119.07(1)(b)-(d)(2)(a), the court reporter's notes of any closed
2487 meeting shall be retained by the association for a minimum of 5
2488 years. A copy of the transcript, less any exempt matters, of
2489 any closed meeting during which claims are discussed shall
2490 become public as to individual claims after settlement of the
2491 claim.

2492
2493 This paragraph is subject to the Open Government Sunset Review
2494 Act of 1995 in accordance with s. 119.15, and shall stand
2495 repealed on October 2, 2003, unless reviewed and saved from
2496 repeal through reenactment by the Legislature.



2497 Section 50. Paragraph (n) of subsection (6) of section
2498 627.351, Florida Statutes, is amended to read:
2499 627.351 Insurance risk apportionment plans.--
2500 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--
2501 (n)1. The following records of the corporation are
2502 confidential and exempt from the provisions of s. 119.07(1) and
2503 s. 24(a), Art. I of the State Constitution:
2504 a. Underwriting files, except that a policyholder or an
2505 applicant shall have access to his or her own underwriting
2506 files.
2507 b. Claims files, until termination of all litigation and
2508 settlement of all claims arising out of the same incident,
2509 although portions of the claims files may remain exempt, as
2510 otherwise provided by law. Confidential and exempt claims file
2511 records may be released to other governmental agencies upon
2512 written request and demonstration of need; such records held by
2513 the receiving agency remain confidential and exempt as provided
2514 for herein.
2515 c. Records obtained or generated by an internal auditor
2516 pursuant to a routine audit, until the audit is completed, or if
2517 the audit is conducted as part of an investigation, until the
2518 investigation is closed or ceases to be active. An investigation
2519 is considered "active" while the investigation is being
2520 conducted with a reasonable, good faith belief that it could
2521 lead to the filing of administrative, civil, or criminal
2522 proceedings.
2523 d. Matters reasonably encompassed in privileged attorney-
2524 client communications.



2525 e. Proprietary information licensed to the corporation
2526 under contract and the contract provides for the confidentiality
2527 of such proprietary information.

2528 f. All information relating to the medical condition or
2529 medical status of a corporation employee which is not relevant
2530 to the employee's capacity to perform his or her duties, except
2531 as otherwise provided in this paragraph. Information which is
2532 exempt shall include, but is not limited to, information
2533 relating to workers' compensation, insurance benefits, and
2534 retirement or disability benefits.

2535 g. Upon an employee's entrance into the employee
2536 assistance program, a program to assist any employee who has a
2537 behavioral or medical disorder, substance abuse problem, or
2538 emotional difficulty which affects the employee's job
2539 performance, all records relative to that participation shall be
2540 confidential and exempt from the provisions of s. 119.07(1) and
2541 s. 24(a), Art. I of the State Constitution, except as otherwise
2542 provided in s. 112.0455(11).

2543 h. Information relating to negotiations for financing,
2544 reinsurance, depopulation, or contractual services, until the
2545 conclusion of the negotiations.

2546 i. Minutes of closed meetings regarding underwriting
2547 files, and minutes of closed meetings regarding an open claims
2548 file until termination of all litigation and settlement of all
2549 claims with regard to that claim, except that information
2550 otherwise confidential or exempt by law will be redacted.

2551



2552 When an authorized insurer is considering underwriting a risk
2553 insured by the corporation, relevant underwriting files and
2554 confidential claims files may be released to the insurer
2555 provided the insurer agrees in writing, notarized and under
2556 oath, to maintain the confidentiality of such files. When a file
2557 is transferred to an insurer that file is no longer a public
2558 record because it is not held by an agency subject to the
2559 provisions of the public records law. Underwriting files and
2560 confidential claims files may also be released to staff of and
2561 the board of governors of the market assistance plan established
2562 pursuant to s. 627.3515, who must retain the confidentiality of
2563 such files, except such files may be released to authorized
2564 insurers that are considering assuming the risks to which the
2565 files apply, provided the insurer agrees in writing, notarized
2566 and under oath, to maintain the confidentiality of such files.
2567 Finally, the corporation or the board or staff of the market
2568 assistance plan may make the following information obtained from
2569 underwriting files and confidential claims files available to
2570 licensed general lines insurance agents: name, address, and
2571 telephone number of the residential property owner or insured;
2572 location of the risk; rating information; loss history; and
2573 policy type. The receiving licensed general lines insurance
2574 agent must retain the confidentiality of the information
2575 received.

2576 2. Portions of meetings of the corporation are exempt from
2577 the provisions of s. 286.011 and s. 24(b), Art. I of the State
2578 Constitution wherein confidential underwriting files or
2579 confidential open claims files are discussed. All portions of



2580 corporation meetings which are closed to the public shall be
2581 recorded by a court reporter. The court reporter shall record
2582 the times of commencement and termination of the meeting, all
2583 discussion and proceedings, the names of all persons present at
2584 any time, and the names of all persons speaking. No portion of
2585 any closed meeting shall be off the record. Subject to the
2586 provisions hereof and s. 119.07(1)(b)-(d)(2)(a), the court
2587 reporter's notes of any closed meeting shall be retained by the
2588 corporation for a minimum of 5 years. A copy of the transcript,
2589 less any exempt matters, of any closed meeting wherein claims
2590 are discussed shall become public as to individual claims after
2591 settlement of the claim.

2592 Section 51. Subsection (1) of section 633.527, Florida
2593 Statutes, is amended to read:

2594 633.527 Records concerning applicant; extent of
2595 confidentiality.--

2596 (1) Test material is made confidential by s.
2597 119.07(6)(3)(a). An applicant may waive in writing the
2598 confidentiality of his or her examination answer sheet for the
2599 purpose of discussion with the State Fire Marshal or his or her
2600 staff.

2601 Section 52. Paragraph (m) of subsection (2) of section
2602 668.50, Florida Statutes, is amended to read:

2603 668.50 Uniform Electronic Transaction Act.--

2604 (2) DEFINITIONS.--As used in this section:

2605 (m) "Record" means information that is inscribed on a
2606 tangible medium or that is stored in an electronic or other



2607 medium and is retrievable in perceivable form, including public
2608 records as defined in s. 119.011~~(11)~~(1).

2609 Section 53. Subsection (1) of section 794.024, Florida
2610 Statutes, is amended to read:

2611 794.024 Unlawful to disclose identifying information.--

2612 (1) A public employee or officer who has access to the
2613 photograph, name, or address of a person who is alleged to be
2614 the victim of an offense described in this chapter, chapter 800,
2615 s. 827.03, s. 827.04, or s. 827.071 may not willfully and
2616 knowingly disclose it to a person who is not assisting in the
2617 investigation or prosecution of the alleged offense or to any
2618 person other than the defendant, the defendant's attorney, a
2619 person specified in an order entered by the court having
2620 jurisdiction of the alleged offense, or to organizations
2621 authorized to receive such information made exempt by s.
2622 119.07~~(6)~~~~(3)~~(f), or to a rape crisis center or sexual assault
2623 counselor, as defined in s. 90.5035(1)(b), who will be offering
2624 services to the victim.

2625 Section 54. For the purpose of incorporating the
2626 amendments to section 945.25, Florida Statutes, in a reference
2627 thereto, paragraph (a) of subsection (2) of section 947.13,
2628 Florida Statutes, is reenacted to read:

2629 947.13 Powers and duties of commission.--

2630 (2)(a) The commission shall immediately examine records of
2631 the department under s. 945.25, and any other records which it
2632 obtains, and may make such other investigations as may be
2633 necessary.



2634 Section 55. Section 430.015, Florida Statutes, is
 2635 repealed.

2636 Section 56. Section 440.132, Florida Statutes, is amended
 2637 to read:

2638 440.132 Investigatory records relating to workers'
 2639 compensation managed care arrangements; confidentiality.--

2640 ~~(1)~~ All investigatory records of the Agency for Health
 2641 Care Administration made or received pursuant to s. 440.134 and
 2642 any examination records necessary to complete an investigation
 2643 are confidential and exempt from the provisions of s. 119.07(1)
 2644 and s. 24(a), Art. I of the State Constitution until the
 2645 investigation is completed or ceases to be active, except that
 2646 portions of medical records which specifically identify patients
 2647 must remain confidential and exempt. An investigation is
 2648 considered "active" while such investigation is being conducted
 2649 by the agency with a reasonable, good faith belief that it may
 2650 lead to the filing of administrative, civil, or criminal
 2651 proceedings. An investigation does not cease to be active if the
 2652 agency is proceeding with reasonable dispatch and there is good
 2653 faith belief that action may be initiated by the agency or other
 2654 administrative or law enforcement agency.

2655 ~~(2) The Legislature finds that it is a public necessity~~
 2656 ~~that these investigatory and examination records be held~~
 2657 ~~confidential and exempt during an investigation in order not to~~
 2658 ~~compromise the investigation and disseminate potentially~~
 2659 ~~inaccurate information. To the extent this information is made~~
 2660 ~~available to the public, those persons being investigated will~~
 2661 ~~have access to such information which would potentially defeat~~



2662 ~~the purpose of the investigation. This would impede the~~
2663 ~~effective and efficient operation of investigatory governmental~~
2664 ~~functions.~~

2665 Section 57. Section 723.0065, Florida Statutes, is
2666 repealed.

2667 Section 58. Section 768.301, Florida Statutes, is
2668 repealed.

2669 Section 59. Section 815.045, Florida Statutes, is
2670 repealed.

2671 Section 60. Paragraph (a) of subsection (7) of section
2672 943.031, Florida Statutes, is amended to read:

2673 943.031 Florida Violent Crime and Drug Control
2674 Council.--The Legislature finds that there is a need to develop
2675 and implement a statewide strategy to address violent criminal
2676 activity and drug control efforts by state and local law
2677 enforcement agencies, including investigations of illicit money
2678 laundering. In recognition of this need, the Florida Violent
2679 Crime and Drug Control Council is created within the department.
2680 The council shall serve in an advisory capacity to the
2681 department.

2682 (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL MEETINGS
2683 AND RECORDS.--

2684 (a)~~1~~. The Legislature finds that during limited portions
2685 of the meetings of the Florida Violent Crime and Drug Control
2686 Council it is necessary that the council be presented with and
2687 discuss details, information, and documents related to active
2688 criminal investigations or matters constituting active criminal
2689 intelligence, as those concepts are defined by s. 119.011. These



2690 presentations and discussions are necessary for the council to
2691 make its funding decisions as required by the Legislature. The
2692 Legislature finds that to reveal the contents of documents
2693 containing active criminal investigative or intelligence
2694 information or to allow active criminal investigative or active
2695 criminal intelligence matters to be discussed in a meeting open
2696 to the public negatively impacts the ability of law enforcement
2697 agencies to efficiently continue their investigative or
2698 intelligence gathering activities. The Legislature finds that
2699 information coming before the council that pertains to active
2700 criminal investigations or intelligence should remain
2701 confidential and exempt from public disclosure. The Legislature
2702 finds that the Florida Violent Crime and Drug Control Council
2703 may, by declaring only those portions of council meetings in
2704 which active criminal investigative or active criminal
2705 intelligence information is to be presented or discussed closed
2706 to the public, assure an appropriate balance between the policy
2707 of this state that meetings be public and the policy of this
2708 state to facilitate efficient law enforcement efforts.

2709 ~~2. The Legislature finds that it is a public necessity~~
2710 ~~that portions of the meetings of the Florida Violent Crime and~~
2711 ~~Drug Control Council be closed when the confidential details,~~
2712 ~~information, and documents related to active criminal~~
2713 ~~investigations or matters constituting active criminal~~
2714 ~~intelligence are discussed. The Legislature further finds that~~
2715 ~~it is no less a public necessity that portions of public records~~
2716 ~~generated at closed council meetings, such as tape recordings,~~
2717 ~~minutes, and notes, memorializing the discussions regarding such~~



2718 | ~~confidential details, information, and documents related to~~
2719 | ~~active criminal investigations or matters constituting active~~
2720 | ~~criminal intelligence, also shall be held confidential.~~

2721 | Section 61. This act shall take effect July 1, 2003.