

By Senator Wise

5-1219A-03

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

1 requirements by a public officer; amending s.
2 119.021, F.S.; providing requirements for
3 governmental agencies in maintaining and
4 preserving public records; requiring the
5 Division of Library and Information Services of
6 the Department of State to adopt rules for
7 retaining and disposing of public records;
8 authorizing the division to provide for
9 archiving certain noncurrent records; providing
10 for the destruction of certain records and the
11 continued maintenance of certain records;
12 providing for the disposition of records at the
13 end of an official's term of office; requiring
14 that a custodian of public records demand
15 delivery of records held unlawfully; repealing
16 ss. 119.031, 119.041, 119.05, and 119.06, F.S.,
17 relating to the retention and disposal of
18 public records and the delivery of records held
19 unlawfully; amending s. 119.07, F.S.; revising
20 provisions governing the inspection and copying
21 of public records; establishing fees for
22 copying; providing requirements for making
23 photographs; authorizing additional means of
24 copying; repealing s. 119.08, F.S., relating to
25 requirements for making photographs of public
26 records; amending s. 119.084, F.S.; deleting
27 certain provisions governing the maintenance of
28 public records in an electronic recordkeeping
29 system; repealing ss. 119.085 and 119.09, F.S.,
30 relating to remote electronic access to public
31 records and the program for records and

1 information management of the Department of
2 State; amending s. 119.10, F.S.; clarifying
3 provisions with respect to penalties for
4 violations of ch. 119, F.S.; amending s.
5 119.105, F.S.; clarifying provisions under
6 which certain police reports may be exempt from
7 the public records law; amending s. 120.55,
8 F.S.; revising language with respect to
9 publication of the Florida Administrative Code
10 to provide that the Department of State is
11 required to compile and publish the code
12 through a continuous revision system; amending
13 s. 257.36, F.S.; providing procedure with
14 respect to official custody of records upon
15 transfer of duties or responsibilities between
16 state agencies or dissolution of a state
17 agency; amending s. 328.15, F.S.; revising the
18 classification of records of notices and
19 satisfaction of liens on vessels maintained by
20 the Department of Highway Safety and Motor
21 Vehicles; amending s. 372.5717, F.S.; revising
22 the classification of records of hunter safety
23 certification cards maintained by the Fish and
24 Wildlife Conservation Commission; creating s.
25 415.1071, F.S.; authorizing a petition for an
26 order making public certain investigatory
27 records of the Department of Children and
28 Family Services; amending s. 560.121, F.S.;
29 decreasing and qualifying the period of
30 retention for examination reports,
31 investigatory records, applications,

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

1 F.S.; revising requirements of the Department
2 of Banking and Finance with respect to
3 retention of copies of specified reports and
4 records of exemption submitted or filed by
5 financial institutions under the Florida
6 Control of Money Laundering in Financial
7 Institutions Act; amending s. 945.25, F.S.;
8 requiring the Department of Corrections to
9 obtain and place in its records specified
10 information on every person who may be
11 sentenced to supervision or incarceration under
12 the jurisdiction of the department; eliminating
13 a requirement of the department, in its
14 discretion, to obtain and place in its
15 permanent records specified information on
16 persons placed on probation and on persons who
17 may become subject to pardon and commutation of
18 sentence; amending s. 985.31, F.S.; revising
19 the classification of specified medical files
20 of serious or habitual juvenile offenders;
21 repealing s. 212.095(6)(d), F.S., which
22 requires the Department of Revenue to keep a
23 permanent record of the amounts of refunds
24 claimed and paid under ch. 212, F.S., and which
25 requires that such records shall be open to
26 public inspection; repealing s. 238.03(9),
27 F.S., relating to the authority of the
28 Department of Management Services to photograph
29 and reduce to microfilm as a permanent record
30 its ledger sheets showing the salaries and
31 contributions of members of the Teachers'

1 Retirement System of Florida, the records of
2 deceased members of the system, and the
3 authority to destroy the documents from which
4 such films derive; amending ss. 15.09, 23.22,
5 101.5607, 112.533, 1012.31(2)(e), 257.34,
6 257.35, 282.21, 287.0943, 320.05, 322.20,
7 338.223, 378.406, 400.0077, 401.27, 403.111,
8 409.2577, 455.219, 456.025, 627.311, 627.351,
9 633.527, 668.50, and 794.024, F.S.; conforming
10 cross-references; reenacting s. 947.13(2)(a),
11 F.S., relating to the duty of the Parole
12 Commission to examine specified records, to
13 incorporate the amendment to s. 945.25, F.S.,
14 in a reference thereto; providing an effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (1) of section 18.20, Florida
20 Statutes, is amended to read:

21 18.20 Treasurer to make reproductions of certain
22 warrants, records, and documents.--

23 (1) All vouchers or checks heretofore or hereafter
24 drawn by appropriate court officials of the several counties
25 of the state against money deposited with the Treasurer under
26 the provisions of s. 43.17, and paid by the Treasurer, may be
27 photographed, microphotographed, or reproduced on film by the
28 Treasurer. Such photographic film shall be durable material
29 and the device used to so reproduce such warrants, vouchers,
30 or checks shall be one which accurately reproduces the
31 originals thereof in all detail; and such photographs,

1 microphotographs, or reproductions on film shall be placed in
2 conveniently accessible and identified files and shall be
3 preserved by the Treasurer as a part of the ~~permanent~~ records
4 of office. When any such warrants, vouchers, or checks have
5 been so photographed, microphotographed, or reproduced on
6 film, and the photographs, microphotographs, or reproductions
7 on film thereof have been placed in files as a part of the
8 ~~permanent~~ records of the office of the Treasurer as aforesaid,
9 the Treasurer is authorized to return such warrants, vouchers,
10 or checks to the offices of the respective county officials
11 who drew the same and such warrants, vouchers, or checks shall
12 be retained and preserved in such offices to which returned as
13 a part of the ~~permanent~~ records of such offices.

14 Section 2. Section 39.2021, Florida Statutes, is
15 created to read:

16 39.2021 Release of confidential information.--

17 (1) Any person or organization, including the
18 Department of Children and Family Services, may petition the
19 court for an order making public the records of the Department
20 of Children and Family Services that pertain to investigations
21 of alleged abuse, abandonment, or neglect of a child. The
22 court shall determine if good cause exists for public access
23 to the records sought or a portion thereof. In making this
24 determination, the court shall balance the best interest of
25 the child who is the focus of the investigation and the
26 interest of that child's siblings, together with the privacy
27 right of other persons identified in the reports against the
28 public interest. The public interest in access to such records
29 is reflected in s. 119.01(1), and includes the need for
30 citizens to know of and adequately evaluate the actions of the
31 Department of Children and Family Services and the court

1 system in providing children of this state with the
2 protections enumerated in s. 39.001. However, this subsection
3 does not contravene s. 39.202, which protects the name of any
4 person reporting the abuse, abandonment, or neglect of a
5 child.

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

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

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

24 (c) The date of each judicial proceeding, a summary of
25 each participant's recommendations made at the judicial
26 proceeding, and the ruling of the court.

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

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

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

16 Section 3. Section 119.01, Florida Statutes, is
17 amended to read:

18 119.01 General state policy on public records.--

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

23 ~~(2) The Legislature finds that, given advancements in~~
24 ~~technology, Providing access to public records is a duty of~~
25 ~~each agency. by remote electronic means is an additional~~
26 ~~method of access that agencies should strive to provide to the~~
27 ~~extent feasible. If an agency provides access to public~~
28 ~~records by remote electronic means, then such access should be~~
29 ~~provided in the most cost-effective and efficient manner~~
30 ~~available to the agency providing the information.~~

31

1 ~~(2)(a)(3) The Legislature finds that providing access~~
2 ~~to public records is a duty of each agency and that Automation~~
3 ~~of public records must not erode the right of access to public~~
4 ~~those records. As each agency increases its use of and~~
5 ~~dependence on electronic recordkeeping, each agency must~~
6 ~~provide~~ ensure reasonable public access to records
7 electronically maintained and must keep information made
8 exempt or confidential from being disclosed to the public.

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

14 (c) An agency may not enter into a contract for the
15 creation or maintenance of a public records database if that
16 contract impairs the ability of the public to inspect or copy
17 the public records of the agency, including public records
18 that are on-line or stored in an electronic recordkeeping
19 system used by the agency.

20 (d) Subject to the restrictions of copyright and trade
21 secret laws and public records exemptions, agency use of
22 proprietary software must not diminish the right of the public
23 to inspect and copy a public record.

24 (e) Providing access to public records by remote
25 electronic means is an additional method of access that
26 agencies should strive to provide to the extent feasible. If
27 an agency provides access to public records by remote
28 electronic means, such access should be provided in the most
29 cost-effective and efficient manner available to the agency
30 providing the information.

31

1 (f) Each agency that maintains a public record in an
2 electronic recordkeeping system shall provide to any person,
3 pursuant to this chapter, a copy of any public record in that
4 system which is not exempted by law from public disclosure. An
5 agency must provide a copy of the record in the medium
6 requested if the agency maintains the record in that medium,
7 and the agency may charge a fee in accordance with this
8 chapter. For the purpose of satisfying a public records
9 request, the fee to be charged by an agency if it elects to
10 provide a copy of a public record in a medium not routinely
11 used by the agency, or if it elects to compile information not
12 routinely developed or maintained by the agency or that
13 requires a substantial amount of manipulation or programming,
14 must be in accordance with s. 119.07(4).

15 (3) If public funds are expended by an agency defined
16 in s. 119.011(2) in payment of dues or membership
17 contributions for any person, corporation, foundation, trust,
18 association, group, or other organization, all the financial,
19 business, and membership records of that person, corporation,
20 foundation, trust, association, group, or other organization
21 which pertain to the public agency are public records and
22 subject to the provisions of s. 119.07.

23 ~~(4) Each agency shall establish a program for the~~
24 ~~disposal of records that do not have sufficient legal, fiscal,~~
25 ~~administrative, or archival value in accordance with retention~~
26 ~~schedules established by the records and information~~
27 ~~management program of the Division of Library and Information~~
28 ~~Services of the Department of State.~~

29 Section 4. Section 119.011, Florida Statutes, is
30 amended to read:
31

1 119.011 Definitions.--As used in ~~For the purpose of~~
2 this chapter, the term:

3 (1) "Actual cost of duplication" means the cost of the
4 material and supplies used to duplicate the public record, but
5 it does not include the labor cost or overhead cost associated
6 with such duplication. ~~"Public records" means all documents,~~
7 ~~papers, letters, maps, books, tapes, photographs, films, sound~~
8 ~~recordings, data processing software, or other material,~~
9 ~~regardless of the physical form, characteristics, or means of~~
10 ~~transmission, made or received pursuant to law or ordinance or~~
11 ~~in connection with the transaction of official business by any~~
12 ~~agency.~~

13 (2) "Agency" means any state, county, district,
14 authority, or municipal officer, department, division, board,
15 bureau, commission, or other separate unit of government
16 created or established by law including, for the purposes of
17 this chapter, the Commission on Ethics, the Public Service
18 Commission, and the Office of Public Counsel, and any other
19 public or private agency, person, partnership, corporation, or
20 business entity acting on behalf of any public agency.

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

25 (b) "Criminal investigative information" means
26 information with respect to an identifiable person or group of
27 persons compiled by a criminal justice agency in the course of
28 conducting a criminal investigation of a specific act or
29 omission, including, but not limited to, information derived
30 from laboratory tests, reports of investigators or informants,
31 or any type of surveillance.

1 (c) "Criminal intelligence information" and "criminal
2 investigative information" shall not include:

3 1. The time, date, location, and nature of a reported
4 crime.

5 2. The name, sex, age, and address of a person
6 arrested or of the victim of a crime except as provided in s.
7 119.07(6)(3)(f).

8 3. The time, date, and location of the incident and of
9 the arrest.

10 4. The crime charged.

11 5. Documents given or required by law or agency rule
12 to be given to the person arrested, except as provided in s.
13 119.07(6)(3)(f), and, except that the court in a criminal case
14 may order that certain information required by law or agency
15 rule to be given to the person arrested be maintained in a
16 confidential manner and exempt from the provisions of s.
17 119.07(1) until released at trial if it is found that the
18 release of such information would:

19 a. Be defamatory to the good name of a victim or
20 witness or would jeopardize the safety of such victim or
21 witness; and

22 b. Impair the ability of a state attorney to locate or
23 prosecute a codefendant.

24 6. Informations and indictments except as provided in
25 s. 905.26.

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

28 1. Criminal intelligence information shall be
29 considered "active" as long as it is related to intelligence
30 gathering conducted with a reasonable, good faith belief that
31

1 | it will lead to detection of ongoing or reasonably anticipated
2 | criminal activities.

3 | 2. Criminal investigative information shall be
4 | considered "active" as long as it is related to an ongoing
5 | investigation which is continuing with a reasonable, good
6 | faith anticipation of securing an arrest or prosecution in the
7 | foreseeable future.

8 |
9 | In addition, criminal intelligence and criminal investigative
10 | information shall be considered "active" while such
11 | information is directly related to pending prosecutions or
12 | appeals. The word "active" shall not apply to information in
13 | cases which are barred from prosecution under the provisions
14 | of s. 775.15 or other statute of limitation.

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

16 | (a) Any law enforcement agency, court, or prosecutor;
17 | ~~The term also includes~~

17 | ~~The term also includes~~

18 | (b) Any other agency charged by law with criminal law
19 | enforcement duties; ~~or~~

20 | (c) Any agency having custody of criminal intelligence
21 | information or criminal investigative information for the
22 | purpose of assisting such law enforcement agencies in the
23 | conduct of active criminal investigation or prosecution or for
24 | the purpose of litigating civil actions under the Racketeer
25 | Influenced and Corrupt Organization Act, during the time that
26 | such agencies are in possession of criminal intelligence
27 | information or criminal investigative information pursuant to
28 | their criminal law enforcement duties; or. ~~The term also~~
29 | ~~includes~~

30 | (d) The Department of Corrections.
31 |

1 (5) "Custodian of public records" means the elected or
2 appointed state, county, or municipal officer charged with the
3 responsibility of maintaining the office having public
4 records, or his or her designee.

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

11 (7) "Duplicated copies" means new copies produced by
12 duplicating, as defined in s. 283.30.

13 (8) "Exemption" means a provision of general law which
14 provides that a specified record or meeting, or portion
15 thereof, is not subject to the access requirements of s.
16 119.07(1), s. 286.011, or s. 24, Art. I of the State
17 Constitution.

18 (9) "Information technology resources" has the meaning
19 ascribed in s. 282.0041(7).

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

22 (11) "Public records" means all documents, papers,
23 letters, maps, books, tapes, photographs, films, sound
24 recordings, data processing software, or other material,
25 regardless of the physical form, characteristics, or means of
26 transmission, made or received pursuant to law or ordinance or
27 in connection with the transaction of official business by any
28 agency.

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

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

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

7 (b) Collect, process, store, and retrieve financial
8 management information of the agency, such as payroll and
9 accounting records; or

10 (c) Control and direct access authorizations and
11 security measures for automated systems.

12 Section 5. Sections 119.0115, 119.012, and 119.02,
13 Florida Statutes, are repealed.

14 Section 6. Section 119.021, Florida Statutes, is
15 amended to read:

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

18 119.021 Custodial requirements; maintenance,
19 preservation, and retention of public records.--

20 (1) Public records shall be maintained and preserved
21 as follows:

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

24 (b) Insofar as practicable, a custodian of public
25 records of vital, permanent, or archival records shall keep
26 them in fireproof and waterproof safes, vaults, or rooms
27 fitted with noncombustible materials and in such arrangement
28 as to be easily accessible for convenient use.

29 (c)1. Record books should be copied or repaired,
30 renovated, or rebound if worn, mutilated, damaged, or
31 difficult to read.

1 2. Whenever any state, county, or municipal records
2 are in need of repair, restoration, or rebinding, the head of
3 the concerned state agency, department, board, or commission;
4 the board of county commissioners of such county; or the
5 governing body of such municipality may authorize that such
6 records be removed from the building or office in which such
7 records are ordinarily kept for the length of time required to
8 repair, restore, or rebind them.

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

13 (2)(a) The Division of Library and Information
14 Services of the Department of State shall adopt rules to
15 establish retention schedules and a disposal process for
16 public records.

17 (b) Each agency shall comply with the rules
18 establishing retention schedules and disposal processes for
19 public records which are adopted by the records and
20 information management program of the division.

21 (c) Every public official shall systematically dispose
22 of records no longer needed, subject to the consent of the
23 records and information management program of the division in
24 accordance with s. 257.36.

25 (d) The division may ascertain the condition of public
26 records and shall give advice and assistance to public
27 officials to solve problems related to the preservation,
28 creation, filing, and public accessibility of public records
29 in their custody. Public officials shall assist the division
30 by preparing an inclusive inventory of categories of public
31 records in their custody. The division shall establish a time

1 period for the retention or disposal of each series of
2 records. Upon the completion of the inventory and schedule,
3 the division shall, subject to the availability of necessary
4 space, staff, and other facilities for such purposes, make
5 space available in its records center for the filing of
6 semicurrent records so scheduled and in its archives for
7 noncurrent records of permanent value, and shall render such
8 other assistance as needed, including the microfilming of
9 records so scheduled.

10 (3) Agency orders that comprise final agency action
11 and that must be indexed or listed pursuant to s. 120.53 have
12 continuing legal significance; therefore, notwithstanding any
13 other provision of this chapter or any provision of chapter
14 257, each agency shall permanently maintain records of such
15 orders pursuant to the applicable rules of the Department of
16 State.

17 (4)(a) Whoever has custody of any public records shall
18 deliver, at the expiration of his or her term of office, to
19 his or her successor or, if there be none, to the records and
20 information management program of the Division of Library and
21 Information Services of the Department of State, all public
22 records kept or received by him or her in the transaction of
23 official business.

24 (b) Whoever is entitled to custody of public records
25 shall demand them from any person having illegal possession of
26 them, who must forthwith deliver the same to him or her. Any
27 person unlawfully possessing public records must within 10
28 days deliver such records to the lawful custodian of public
29 records unless just cause exists for failing to deliver such
30 records.

31

1 Section 7. Sections 119.031, 119.041, 119.05, and
2 119.06, Florida Statutes, are repealed.

3 Section 8. Section 119.07, Florida Statutes, is
4 amended to read:

5 119.07 Inspection, examination, and copying
6 duplication of records; fees; exemptions.--

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

12 (b) An exemption from this section does not imply an
13 exemption from s. 286.011. The exemption from s. 286.011 must
14 be expressly provided.

15 (c) A person who has custody of a public record who
16 asserts that an exemption applies to a part of such record
17 shall redact that portion of the record to which an exemption
18 has been asserted and validly applies, and such person shall
19 produce the remainder of such record for inspection and
20 copying.

21 (d) If the person who has custody of a public record
22 contends that the record or part of it is exempt from
23 inspection and copying, he or she shall state the basis of the
24 exemption that he or she contends is applicable to the record,
25 including the statutory citation to an exemption created or
26 afforded by statute.

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

31

1 (f) In any civil action in which an exemption to this
2 section is asserted, if the exemption is alleged to exist
3 under or by virtue of paragraph (6)(c), paragraph (6)(d),
4 paragraph (6)(e), paragraph (6)(k), paragraph (6)(l), or
5 paragraph (6)(o), the public record or part thereof in
6 question shall be submitted to the court for an inspection in
7 camera. If an exemption is alleged to exist under or by virtue
8 of paragraph (6)(b), an inspection in camera will be
9 discretionary with the court. If the court finds that the
10 asserted exemption is not applicable, it shall order the
11 public record or part thereof in question to be immediately
12 produced for inspection or copying as requested by the person
13 seeking such access.

14 (g) Even if an assertion is made by the custodian of
15 public records that a requested record is not a public record
16 subject to public inspection or copying under this subsection,
17 the requested record shall, nevertheless, not be disposed of
18 for a period of 30 days after the date on which a written
19 request to inspect or copy the record was served on or
20 otherwise made to the custodian of public records by the
21 person seeking access to the record. If a civil action is
22 instituted within the 30-day period to enforce the provisions
23 of this section with respect to the requested record, the
24 custodian of public records may not dispose of the record
25 except by order of a court of competent jurisdiction after
26 notice to all affected parties.

27 (h) The absence of a civil action instituted for the
28 purpose stated in paragraph (f) does not relieve the custodian
29 of public records of the duty to maintain the record as a
30 public record if the record is in fact a public record subject
31 to public inspection and copying under this subsection and

1 does not otherwise excuse or exonerate the custodian of public
2 records from any unauthorized or unlawful disposition of such
3 record.

4 (2)(a) Any person shall have the right of access to
5 public records for the purpose of making photographs of the
6 record while in the possession, custody, and control of the
7 custodian of public records.

8 (b) This subsection applies to the making of
9 photographs in the conventional sense by use of a camera
10 device to capture images of public records but excludes the
11 duplication of microfilm in the possession of the clerk of the
12 circuit court where a copy of the microfilm may be made
13 available by the clerk.

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

17 (d) Photographing of public records shall be done in
18 the room where the public records are kept. If, in the
19 judgment of the custodian of public records, this is
20 impossible or impracticable, the work shall be done in another
21 room or place, as nearly adjacent as possible to the room
22 where the public records are kept, to be determined by the
23 custodian of public records. Where provision of another room
24 or place for photographing is required, the expense of
25 providing the same shall be paid by the person desiring to
26 photograph the public record pursuant to paragraph (4)(e).

27 (3)(a) As an additional means of inspecting or copying
28 public records, a custodian of public records may provide
29 access to public records by remote electronic means, provided
30 confidential or exempt information is not disclosed.

31

1 (b) The custodian of public records shall provide
2 safeguards to protect the contents of public records from
3 unauthorized remote electronic access or alteration and to
4 prevent the disclosure or modification of those portions of
5 public records which are exempt or confidential from
6 subsection (1) or s. 24, Art. I of the State Constitution.

7 (c) Unless otherwise required by law, the custodian of
8 public records may charge a fee for remote electronic access,
9 granted under a contractual arrangement with a user, which fee
10 may include the direct and indirect costs of providing such
11 access. Fees for remote electronic access provided to the
12 general public shall be in accordance with the provisions of
13 this section.

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

18 (a)1. Up to 15 cents per one-sided copy for duplicated
19 copies of not more than 14 inches by 8 1/2 inches;~~7~~

20 2. An agency may charge no more than an additional 5
21 cents for each two-sided copy;~~upon payment of not more than~~
22 ~~15 cents per one-sided copy, and~~

23 3. For all other copies, upon payment of the actual
24 cost of duplication of the public record. An agency may
25 charge no more than an additional 5 cents for each two-sided
26 duplicated copy. For purposes of this section, duplicated
27 copies shall mean new copies produced by duplicating, as
28 defined in s. 283.30. The phrase "actual cost of duplication"
29 means the cost of the material and supplies used to duplicate
30 the record, but it does not include the labor cost or overhead
31 cost associated with such duplication. However,

1 **(b)** The charge for copies of county maps or aerial
2 photographs supplied by county constitutional officers may
3 also include a reasonable charge for the labor and overhead
4 associated with their duplication. ~~Unless otherwise provided~~
5 ~~by law, the fees to be charged for duplication of public~~
6 ~~records shall be collected, deposited, and accounted for in~~
7 ~~the manner prescribed for other operating funds of the agency.~~

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

10 **(d)**~~(b)~~ If the nature or volume of public records
11 requested to be inspected, ~~examined,~~ or copied pursuant to
12 this subsection is such as to require extensive use of
13 information technology resources or extensive clerical or
14 supervisory assistance by personnel of the agency involved, or
15 both, the agency may charge, in addition to the actual cost of
16 duplication, a special service charge, which shall be
17 reasonable and shall be based on the cost incurred for such
18 extensive use of information technology resources or the labor
19 cost of the personnel providing the service that is actually
20 incurred by the agency or attributable to the agency for the
21 clerical and supervisory assistance required, or both.

22 **(e)1.** Where provision of another room or place is
23 necessary to photograph public records, the expense of
24 providing the same shall be paid by the person desiring to
25 photograph the public records.

26 **2.** The custodian of public records may charge the
27 person making the photographs for supervision services at a
28 rate of compensation to be agreed upon by the person desiring
29 to make the photographs and the custodian or public records.
30 If they fail to agree as to the appropriate charge, the charge
31 shall be determined by the custodian of public records.

1 ~~"Information technology resources" means data processing~~
2 ~~hardware and software and services, communications, supplies,~~
3 ~~personnel, facility resources, maintenance, and training.~~

4 (5)(c) When ballots are produced under this section
5 for inspection or examination, no persons other than the
6 supervisor of elections or the supervisor's employees shall
7 touch the ballots. The supervisor of elections shall make a
8 reasonable effort to notify all candidates by telephone or
9 otherwise of the time and place of the inspection or
10 examination. All such candidates, or their representatives,
11 shall be allowed to be present during the inspection or
12 examination.

13 ~~(2)(a) A person who has custody of a public record and~~
14 ~~who asserts that an exemption provided in subsection (3) or in~~
15 ~~a general or special law applies to a particular public record~~
16 ~~or part of such record shall delete or excise from the record~~
17 ~~only that portion of the record with respect to which an~~
18 ~~exemption has been asserted and validly applies, and such~~
19 ~~person shall produce the remainder of such record for~~
20 ~~inspection and examination. If the person who has custody of~~
21 ~~a public record contends that the record or part of it is~~
22 ~~exempt from inspection and examination, he or she shall state~~
23 ~~the basis of the exemption which he or she contends is~~
24 ~~applicable to the record, including the statutory citation to~~
25 ~~an exemption created or afforded by statute, and, if requested~~
26 ~~by the person seeking the right under this subsection to~~
27 ~~inspect, examine, or copy the record, he or she shall state in~~
28 ~~writing and with particularity the reasons for the conclusion~~
29 ~~that the record is exempt.~~

30 ~~(b) In any civil action in which an exemption to~~
31 ~~subsection (1) is asserted, if the exemption is alleged to~~

1 ~~exist under or by virtue of paragraph (c), paragraph (d),~~
2 ~~paragraph (e), paragraph (k), paragraph (l), or paragraph (o)~~
3 ~~of subsection (3), the public record or part thereof in~~
4 ~~question shall be submitted to the court for an inspection in~~
5 ~~camera. If an exemption is alleged to exist under or by~~
6 ~~virtue of paragraph (b) of subsection (3), an inspection in~~
7 ~~camera will be discretionary with the court. If the court~~
8 ~~finds that the asserted exemption is not applicable, it shall~~
9 ~~order the public record or part thereof in question to be~~
10 ~~immediately produced for inspection, examination, or copying~~
11 ~~as requested by the person seeking such access.~~

12 ~~(c) Even if an assertion is made by the custodian of a~~
13 ~~public record that a requested record is not a public record~~
14 ~~subject to public inspection and examination under subsection~~
15 ~~(1), the requested record shall, nevertheless, not be disposed~~
16 ~~of for a period of 30 days after the date on which a written~~
17 ~~request requesting the right to inspect, examine, or copy the~~
18 ~~record was served on or otherwise made to the custodian of the~~
19 ~~record by the person seeking access to the record. If a civil~~
20 ~~action is instituted within the 30-day period to enforce the~~
21 ~~provisions of this section with respect to the requested~~
22 ~~record, the custodian shall not dispose of the record except~~
23 ~~by order of a court of competent jurisdiction after notice to~~
24 ~~all affected parties.~~

25 ~~(d) The absence of a civil action instituted for the~~
26 ~~purpose stated in paragraph (c) will not relieve the custodian~~
27 ~~of the duty to maintain the record as a public record if the~~
28 ~~record is in fact a public record subject to public inspection~~
29 ~~and examination under subsection (1) and will not otherwise~~
30 ~~excuse or exonerate the custodian from any unauthorized or~~
31 ~~unlawful disposition of such record.~~

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

8 (b)1. Active criminal intelligence information and
9 active criminal investigative information are exempt from the
10 provisions of subsection (1) and s. 24(a), Art. I of the State
11 Constitution.

12 2. A request of a law enforcement agency to inspect or
13 copy a public record that is in the custody of another agency,
14 the custodian's response to the request, and any information
15 that would identify the public record that was requested by
16 the law enforcement agency or provided by the custodian are
17 exempt from the requirements of subsection (1) and s. 24(a),
18 Art. I of the State Constitution, during the period in which
19 the information constitutes criminal intelligence information
20 or criminal investigative information that is active. This
21 exemption is remedial in nature, and it is the intent of the
22 Legislature that the exemption be applied to requests for
23 information received before, on, or after the effective date
24 of this subparagraph. The law enforcement agency shall give
25 notice to the custodial agency when the criminal intelligence
26 information or criminal investigative information is no longer
27 active, so that the custodian's response to the request and
28 information that would identify the public record requested
29 are available to the public. This subparagraph is subject to
30 the Open Government Sunset Review Act of 1995 in accordance
31 with s. 119.15 and shall stand repealed October 2, 2007,

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

3 (c) Any information revealing the identity of a
4 confidential informant or a confidential source is exempt from
5 the provisions of subsection (1) and s. 24(a), Art. I of the
6 State Constitution.

7 (d) Any information revealing surveillance techniques
8 or procedures or personnel is exempt from the provisions of
9 subsection (1) and s. 24(a), Art. I of the State Constitution.
10 Any comprehensive inventory of state and local law enforcement
11 resources compiled pursuant to part I, chapter 23, and any
12 comprehensive policies or plans compiled by a criminal justice
13 agency pertaining to the mobilization, deployment, or tactical
14 operations involved in responding to emergencies, as defined
15 in s. 252.34(3), are exempt from the provisions of subsection
16 (1) and s. 24(a), Art. I of the State Constitution and
17 unavailable for inspection, except by personnel authorized by
18 a state or local law enforcement agency, the office of the
19 Governor, the Department of Legal Affairs, the Department of
20 Law Enforcement, or the Department of Community Affairs as
21 having an official need for access to the inventory or
22 comprehensive policies or plans.

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

26 (f) Any criminal intelligence information or criminal
27 investigative information including the photograph, name,
28 address, or other fact or information which reveals the
29 identity of the victim of the crime of sexual battery as
30 defined in chapter 794; the identity of the victim of a lewd
31 or lascivious offense committed upon or in the presence of a

1 person less than 16 years of age, as defined in chapter 800;
2 or the identity of the victim of the crime of child abuse as
3 defined by chapter 827 and any criminal intelligence
4 information or criminal investigative information or other
5 criminal record, including those portions of court records and
6 court proceedings, which may reveal the identity of a person
7 who is a victim of any sexual offense, including a sexual
8 offense proscribed in chapter 794, chapter 800, or chapter
9 827, is exempt from the provisions of subsection (1) and s.
10 24(a), Art. I of the State Constitution.

11 (g) Any criminal intelligence information or criminal
12 investigative information which reveals the personal assets of
13 the victim of a crime, other than property stolen or destroyed
14 during the commission of the crime, is exempt from the
15 provisions of subsection (1) and s. 24(a), Art. I of the State
16 Constitution.

17 (h) All criminal intelligence and criminal
18 investigative information received by a criminal justice
19 agency prior to January 25, 1979, is exempt from the
20 provisions of subsection (1) and s. 24(a), Art. I of the State
21 Constitution.

22 (i)1. The home addresses, telephone numbers, social
23 security numbers, and photographs of active or former law
24 enforcement personnel, including correctional and correctional
25 probation officers, personnel of the Department of Children
26 and Family Services whose duties include the investigation of
27 abuse, neglect, exploitation, fraud, theft, or other criminal
28 activities, personnel of the Department of Health whose duties
29 are to support the investigation of child abuse or neglect,
30 and personnel of the Department of Revenue or local
31 governments whose responsibilities include revenue collection

1 and enforcement or child support enforcement; the home
2 addresses, telephone numbers, social security numbers,
3 photographs, and places of employment of the spouses and
4 children of such personnel; and the names and locations of
5 schools and day care facilities attended by the children of
6 such personnel are exempt from the provisions of subsection
7 (1). The home addresses, telephone numbers, and photographs of
8 firefighters certified in compliance with s. 633.35; the home
9 addresses, telephone numbers, photographs, and places of
10 employment of the spouses and children of such firefighters;
11 and the names and locations of schools and day care facilities
12 attended by the children of such firefighters are exempt from
13 subsection (1). The home addresses and telephone numbers of
14 justices of the Supreme Court, district court of appeal
15 judges, circuit court judges, and county court judges; the
16 home addresses, telephone numbers, and places of employment of
17 the spouses and children of justices and judges; and the names
18 and locations of schools and day care facilities attended by
19 the children of justices and judges are exempt from the
20 provisions of subsection (1). The home addresses, telephone
21 numbers, social security numbers, and photographs of current
22 or former state attorneys, assistant state attorneys,
23 statewide prosecutors, or assistant statewide prosecutors; the
24 home addresses, telephone numbers, social security numbers,
25 photographs, and places of employment of the spouses and
26 children of current or former state attorneys, assistant state
27 attorneys, statewide prosecutors, or assistant statewide
28 prosecutors; and the names and locations of schools and day
29 care facilities attended by the children of current or former
30 state attorneys, assistant state attorneys, statewide
31 prosecutors, or assistant statewide prosecutors are exempt

1 from subsection (1) and s. 24(a), Art. I of the State
2 Constitution.

3 2. The home addresses, telephone numbers, social
4 security numbers, and photographs of current or former human
5 resource, labor relations, or employee relations directors,
6 assistant directors, managers, or assistant managers of any
7 local government agency or water management district whose
8 duties include hiring and firing employees, labor contract
9 negotiation, administration, or other personnel-related
10 duties; the names, home addresses, telephone numbers, social
11 security numbers, photographs, and places of employment of the
12 spouses and children of such personnel; and the names and
13 locations of schools and day care facilities attended by the
14 children of such personnel are exempt from subsection (1) and
15 s. 24(a), Art. I of the State Constitution. This subparagraph
16 is subject to the Open Government Sunset Review Act of 1995 in
17 accordance with s. 119.15, and shall stand repealed on October
18 2, 2006, unless reviewed and saved from repeal through
19 reenactment by the Legislature.

20 3. The home addresses, telephone numbers, social
21 security numbers, and photographs of current or former code
22 enforcement officers; the names, home addresses, telephone
23 numbers, social security numbers, photographs, and places of
24 employment of the spouses and children of such persons; and
25 the names and locations of schools and day care facilities
26 attended by the children of such persons are exempt from
27 subsection (1) and s. 24(a), Art. I of the State Constitution.
28 This subparagraph is subject to the Open Government Sunset
29 Review Act of 1995 in accordance with s. 119.15, and shall
30 stand repealed on October 2, 2006, unless reviewed and saved
31 from repeal through reenactment by the Legislature.

1 4. An agency that is the custodian of the personal
2 information specified in subparagraph 1., subparagraph 2., or
3 subparagraph 3. and that is not the employer of the officer,
4 employee, justice, judge, or other person specified in
5 subparagraph 1., subparagraph 2., or subparagraph 3. shall
6 maintain the exempt status ~~confidentiality~~ of the personal
7 information only if the officer, employee, justice, judge,
8 other person, or employing agency of the designated employee
9 submits a written request for maintenance of the exemption
10 ~~confidentiality~~ to the custodial agency.

11 (j) Any information provided to an agency of state
12 government or to an agency of a political subdivision of the
13 state for the purpose of forming ridesharing arrangements,
14 which information reveals the identity of an individual who
15 has provided his or her name for ridesharing, as defined in s.
16 341.031, is exempt from the provisions of subsection (1) and
17 s. 24(a), Art. I of the State Constitution.

18 (k) Any information revealing the substance of a
19 confession of a person arrested is exempt from the provisions
20 of subsection (1) and s. 24(a), Art. I of the State
21 Constitution, until such time as the criminal case is finally
22 determined by adjudication, dismissal, or other final
23 disposition.

24 (1)1. A public record which was prepared by an agency
25 attorney (including an attorney employed or retained by the
26 agency or employed or retained by another public officer or
27 agency to protect or represent the interests of the agency
28 having custody of the record) or prepared at the attorney's
29 express direction, which reflects a mental impression,
30 conclusion, litigation strategy, or legal theory of the
31 attorney or the agency, and which was prepared exclusively for

1 civil or criminal litigation or for adversarial administrative
2 proceedings, or which was prepared in anticipation of imminent
3 civil or criminal litigation or imminent adversarial
4 administrative proceedings, is exempt from the provisions of
5 subsection (1) and s. 24(a), Art. I of the State Constitution
6 until the conclusion of the litigation or adversarial
7 administrative proceedings. For purposes of capital collateral
8 litigation as set forth in s. 27.7001, the Attorney General's
9 office is entitled to claim this exemption for those public
10 records prepared for direct appeal as well as for all capital
11 collateral litigation after direct appeal until execution of
12 sentence or imposition of a life sentence.

13 2. This exemption is not waived by the release of such
14 public record to another public employee or officer of the
15 same agency or any person consulted by the agency attorney.
16 When asserting the right to withhold a public record pursuant
17 to this paragraph, the agency shall identify the potential
18 parties to any such criminal or civil litigation or
19 adversarial administrative proceedings. If a court finds that
20 the document or other record has been improperly withheld
21 under this paragraph, the party seeking access to such
22 document or record shall be awarded reasonable attorney's fees
23 and costs in addition to any other remedy ordered by the
24 court.

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

1 (n) When an agency of the executive branch of state
2 government seeks to acquire real property by purchase or
3 through the exercise of the power of eminent domain all
4 appraisals, other reports relating to value, offers, and
5 counteroffers must be in writing and are exempt from the
6 provisions of subsection (1) and s. 24(a), Art. I of the State
7 Constitution until execution of a valid option contract or a
8 written offer to sell that has been conditionally accepted by
9 the agency, at which time the exemption shall expire. The
10 agency shall not finally accept the offer for a period of 30
11 days in order to allow public review of the transaction. The
12 agency may give conditional acceptance to any option or offer
13 subject only to final acceptance by the agency after the
14 30-day review period. If a valid option contract is not
15 executed, or if a written offer to sell is not conditionally
16 accepted by the agency, then the exemption from the provisions
17 of this chapter shall expire at the conclusion of the
18 condemnation litigation of the subject property. An agency of
19 the executive branch may exempt title information, including
20 names and addresses of property owners whose property is
21 subject to acquisition by purchase or through the exercise of
22 the power of eminent domain, from the provisions of subsection
23 (1) and s. 24(a), Art. I of the State Constitution to the same
24 extent as appraisals, other reports relating to value, offers,
25 and counteroffers. For the purpose of this paragraph, "option
26 contract" means an agreement of an agency of the executive
27 branch of state government to purchase real property subject
28 to final agency approval. This paragraph shall have no
29 application to other exemptions from the provisions of
30 subsection (1) which are contained in other provisions of law
31

1 and shall not be construed to be an express or implied repeal
2 thereof.

3 (o) Data processing software obtained by an agency
4 under a licensing agreement which prohibits its disclosure and
5 which software is a trade secret, as defined in s. 812.081,
6 and agency-produced data processing software which is
7 sensitive are exempt from the provisions of subsection (1) and
8 s. 24(a), Art. I of the State Constitution. The designation
9 of agency-produced software as sensitive shall not prohibit an
10 agency head from sharing or exchanging such software with
11 another public agency. ~~As used in this paragraph:~~

12 1. ~~"Data processing software" means the programs and~~
13 ~~routines used to employ and control the capabilities of data~~
14 ~~processing hardware, including, but not limited to, operating~~
15 ~~systems, compilers, assemblers, utilities, library routines,~~
16 ~~maintenance routines, applications, and computer networking~~
17 ~~programs.~~

18 2. ~~"Sensitive" means only those portions of data~~
19 ~~processing software, including the specifications and~~
20 ~~documentation, used to:~~

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

23 b. ~~Collect, process, store, and retrieve financial~~
24 ~~management information of the agency, such as payroll and~~
25 ~~accounting records; or~~

26 c. ~~Control and direct access authorizations and~~
27 ~~security measures for automated systems.~~

28 (p) All complaints and other records in the custody of
29 any unit of local government which relate to a complaint of
30 discrimination relating to race, color, religion, sex,
31 national origin, age, handicap, marital status, sale or rental

1 of housing, the provision of brokerage services, or the
2 financing of housing are exempt from the provisions of
3 subsection (1) and s. 24(a), Art. I of the State Constitution
4 until a finding is made relating to probable cause, the
5 investigation of the complaint becomes inactive, or the
6 complaint or other record is made part of the official record
7 of any hearing or court proceeding. This provision shall not
8 affect any function or activity of the Florida Commission on
9 Human Relations. Any state or federal agency which is
10 authorized to have access to such complaints or records by any
11 provision of law shall be granted such access in the
12 furtherance of such agency's statutory duties, notwithstanding
13 the provisions of this section. This paragraph shall not be
14 construed to modify or repeal any special or local act.

15 (q) All complaints and other records in the custody of
16 any agency in the executive branch of state government which
17 relate to a complaint of discrimination relating to race,
18 color, religion, sex, national origin, age, handicap, or
19 marital status in connection with hiring practices, position
20 classifications, salary, benefits, discipline, discharge,
21 employee performance, evaluation, or other related activities
22 are exempt from the provisions of subsection (1) and s. 24(a),
23 Art. I of the State Constitution until a finding is made
24 relating to probable cause, the investigation of the complaint
25 becomes inactive, or the complaint or other record is made
26 part of the official record of any hearing or court
27 proceeding. This provision shall not affect any function or
28 activity of the Florida Commission on Human Relations. Any
29 state or federal agency which is authorized to have access to
30 such complaints or records by any provision of law shall be
31 granted such access in the furtherance of such agency's

1 statutory duties, notwithstanding the provisions of this
2 section.

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

9 (s)1. Any document that reveals the identity, home or
10 employment telephone number, home or employment address, or
11 personal assets of the victim of a crime and identifies that
12 person as the victim of a crime, which document is received by
13 any agency that regularly receives information from or
14 concerning the victims of crime, is exempt from the provisions
15 of subsection (1) and s. 24(a), Art. I of the State
16 Constitution. Any information not otherwise held confidential
17 or exempt from the provisions of subsection (1) which reveals
18 the home or employment telephone number, home or employment
19 address, or personal assets of a person who has been the
20 victim of sexual battery, aggravated child abuse, aggravated
21 stalking, harassment, aggravated battery, or domestic violence
22 is exempt from the provisions of subsection (1) and s. 24(a),
23 Art. I of the State Constitution, upon written request by the
24 victim, which must include official verification that an
25 applicable crime has occurred. Such information shall cease
26 to be exempt 5 years after the receipt of the written request.
27 Any state or federal agency that is authorized to have access
28 to such documents by any provision of law shall be granted
29 such access in the furtherance of such agency's statutory
30 duties, notwithstanding the provisions of this section.

31

1 2. Any information in a videotaped statement of a
2 minor who is alleged to be or who is a victim of sexual
3 battery, lewd acts, or other sexual misconduct proscribed in
4 chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s.
5 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which
6 reveals that minor's identity, including, but not limited to,
7 the minor's face; the minor's home, school, church, or
8 employment telephone number; the minor's home, school, church,
9 or employment address; the name of the minor's school, church,
10 or place of employment; or the personal assets of the minor;
11 and which identifies that minor as the victim of a crime
12 described in this subparagraph, is confidential and exempt
13 from subsection (1) and s. 24(a), Art. I of the State
14 Constitution. Any governmental agency that is authorized to
15 have access to such statements by any provision of law shall
16 be granted such access in the furtherance of the agency's
17 statutory duties, notwithstanding the provisions of this
18 section. This subparagraph is subject to the Open Government
19 Sunset Review Act of 1995 in accordance with s. 119.15, and
20 shall stand repealed on October 2, 2003.

21 3. A public employee or officer who has access to the
22 videotaped statement of a minor who is alleged to be or who is
23 a victim of sexual battery, lewd acts, or other sexual
24 misconduct proscribed in chapter 800 or in s. 794.011, s.
25 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or
26 s. 847.0145, may not willfully and knowingly disclose
27 videotaped information that reveals that minor's identity to a
28 person who is not assisting in the investigation or
29 prosecution of the alleged offense or to any person other than
30 the defendant, the defendant's attorney, or a person specified
31

1 in an order entered by the court having jurisdiction of the
2 alleged offense.

3 4. A person who violates subparagraph 3. commits a
4 misdemeanor of the first degree, punishable as provided in s.
5 775.082 or s. 775.083.

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

11 (u) Where the alleged victim chooses not to file a
12 complaint and requests that records of the complaint remain
13 confidential, all records relating to an allegation of
14 employment discrimination are confidential and exempt from the
15 provisions of subsection (1) and s. 24(a), Art. I of the State
16 Constitution.

17 (v) Medical information pertaining to a prospective,
18 current, or former officer or employee of an agency which, if
19 disclosed, would identify that officer or employee is exempt
20 from the provisions of subsection (1) and s. 24(a), Art. I of
21 the State Constitution. However, such information may be
22 disclosed if the person to whom the information pertains or
23 the person's legal representative provides written permission
24 or pursuant to court order.

25 (w)1. If certified pursuant to subparagraph 2., an
26 investigatory record of the Chief Inspector General within the
27 Executive Office of the Governor or of the employee designated
28 by an agency head as the agency inspector general under s.
29 112.3189 is exempt from the provisions of subsection (1) and
30 s. 24(a), Art. I of the State Constitution until the
31 investigation ceases to be active, or a report detailing the

1 investigation is provided to the Governor or the agency head,
2 or 60 days from the inception of the investigation for which
3 the record was made or received, whichever first occurs.
4 Investigatory records are those records which are related to
5 the investigation of an alleged, specific act or omission or
6 other wrongdoing, with respect to an identifiable person or
7 group of persons, based on information compiled by the Chief
8 Inspector General or by an agency inspector general, as named
9 under the provisions of s. 112.3189, in the course of an
10 investigation. An investigation is active if it is continuing
11 with a reasonable, good faith anticipation of resolution and
12 with reasonable dispatch.

13 2. The Governor, in the case of the Chief Inspector
14 General, or agency head, in the case of an employee designated
15 as the agency inspector general under s. 112.3189, may certify
16 such investigatory records require an exemption to protect the
17 integrity of the investigation or avoid unwarranted damage to
18 an individual's good name or reputation. The certification
19 shall specify the nature and purpose of the investigation and
20 shall be kept with the exempt records and made public when the
21 records are made public.

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

25 (x) The social security numbers of all current and
26 former agency employees which numbers are contained in agency
27 employment records are exempt from subsection (1) and exempt
28 from s. 24(a), Art. I of the State Constitution. As used in
29 this paragraph, the term "agency" means an agency as defined
30 in s. 119.011.

31

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

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

1 (aa) Upon a request made in a form designated by the
2 Department of Highway Safety and Motor Vehicles, personal
3 information contained in a motor vehicle record that
4 identifies the requester is exempt from subsection (1) and s.
5 24(a), Art. I of the State Constitution except as provided in
6 this paragraph. Personal information includes, but is not
7 limited to, the requester's social security number, driver
8 identification number, name, address, telephone number, and
9 medical or disability information. For purposes of this
10 paragraph, personal information does not include information
11 relating to vehicular crashes, driving violations, and
12 driver's status. Such request may be made only by the person
13 who is the subject of the motor vehicle record. For purposes
14 of this paragraph, "motor vehicle record" means any record
15 that pertains to a motor vehicle operator's permit, motor
16 vehicle title, motor vehicle registration, or identification
17 card issued by the Department of Highway Safety and Motor
18 Vehicles. Personal information contained in motor vehicle
19 records exempted by an individual's request pursuant to this
20 paragraph shall be released by the department for any of the
21 following uses:

22 1. For use in connection with matters of motor vehicle
23 or driver safety and theft; motor vehicle emissions; motor
24 vehicle product alterations, recalls, or advisories;
25 performance monitoring of motor vehicles and dealers by motor
26 vehicle manufacturers; and removal of nonowner records from
27 the original owner records of motor vehicle manufacturers, to
28 carry out the purposes of the Automobile Information
29 Disclosure Act, the Motor Vehicle Information and Cost Saving
30 Act, the National Traffic and Motor Vehicle Safety Act of
31 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

1 2. For use by any government agency, including any
2 court or law enforcement agency, in carrying out its
3 functions, or any private person or entity acting on behalf of
4 a federal, state, or local agency in carrying out its
5 functions.

6 3. For use in connection with matters of motor vehicle
7 or driver safety and theft; motor vehicle emissions; motor
8 vehicle product alterations, recalls, or advisories;
9 performance monitoring of motor vehicles, motor vehicle parts,
10 and dealers; motor vehicle market research activities,
11 including survey research; and removal of nonowner records
12 from the original owner records of motor vehicle
13 manufacturers.

14 4. For use in the normal course of business by a
15 legitimate business or its agents, employees, or contractors,
16 but only:

17 a. To verify the accuracy of personal information
18 submitted by the individual to the business or its agents,
19 employees, or contractors; and

20 b. If such information as so submitted is not correct
21 or is no longer correct, to obtain the correct information,
22 but only for the purposes of preventing fraud by, pursuing
23 legal remedies against, or recovering on a debt or security
24 interest against, the individual.

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

28 a. Service of process by any certified process server,
29 special process server, or other person authorized to serve
30 process in this state.

31

1 b. Investigation in anticipation of litigation by an
2 attorney licensed to practice law in this state or the agent
3 of the attorney.

4 c. Investigation by any person in connection with any
5 filed proceeding.

6 d. Execution or enforcement of judgments and orders.

7 e. Compliance with an order of any court.

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

12 7. For use by any insurer or insurance support
13 organization, or by a self-insured entity, or its agents,
14 employees, or contractors, in connection with claims
15 investigation activities, anti-fraud activities, rating, or
16 underwriting.

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

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

26 10. For use by an employer or its agent or insurer to
27 obtain or verify information relating to a holder of a
28 commercial driver's license that is required under the
29 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.
30 2710 et seq.

31

1 11. For use in connection with the operation of
2 private toll transportation facilities.

3 12. For bulk distribution for surveys, marketing, or
4 solicitations when the department has implemented methods and
5 procedures to ensure that:

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

8 b. The information will be used, rented, or sold
9 solely for bulk distribution for survey, marketing, and
10 solicitations, and that surveys, marketing, and solicitations
11 will not be directed at those individuals who have timely
12 requested that they not be directed at them.

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

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

19
20 Personal information exempted from public disclosure according
21 to this paragraph may be disclosed by the Department of
22 Highway Safety and Motor Vehicles to an individual, firm,
23 corporation, or similar business entity whose primary business
24 interest is to resell or redisclose the personal information
25 to persons who are authorized to receive such information.
26 Prior to the department's disclosure of personal information,
27 such individual, firm, corporation, or similar business entity
28 must first enter into a contract with the department regarding
29 the care, custody, and control of the personal information to
30 ensure compliance with the federal Driver's Privacy Protection
31 Act of 1994 and applicable state laws. An authorized recipient

1 of personal information contained in a motor vehicle record,
2 except a recipient under subparagraph 12., may contract with
3 the Department of Highway Safety and Motor Vehicles to resell
4 or redisclose the information for any use permitted under this
5 paragraph. However, only authorized recipients of personal
6 information under subparagraph 12. may resell or redisclose
7 personal information pursuant to subparagraph 12. Any
8 authorized recipient who resells or rediscloses personal
9 information shall maintain, for a period of 5 years, records
10 identifying each person or entity that receives the personal
11 information and the permitted purpose for which it will be
12 used. Such records shall be made available for inspection upon
13 request by the department. The department shall adopt rules to
14 carry out the purposes of this paragraph and the federal
15 Driver's Privacy Protection Act of 1994, Title XXX, Pub. L.
16 No. 103-322. Rules adopted by the department shall provide for
17 the payment of applicable fees and, prior to the disclosure of
18 personal information pursuant to this paragraph, shall require
19 the meeting of conditions by the requesting person for the
20 purposes of obtaining reasonable assurance concerning the
21 identity of such requesting person, and, to the extent
22 required, assurance that the use will be only as authorized or
23 that the consent of the person who is the subject of the
24 personal information has been obtained. Such conditions may
25 include, but need not be limited to, the making and filing of
26 a written application in such form and containing such
27 information and certification requirements as the department
28 requires.

29 (bb)1. Medical history records, bank account numbers,
30 credit card numbers, telephone numbers, and information
31 related to health or property insurance furnished by an

1 individual to any agency pursuant to federal, state, or local
2 housing assistance programs are confidential and exempt from
3 the provisions of subsection (1) and s. 24(a), Art. I of the
4 State Constitution. Any other information produced or received
5 by any private or public entity in direct connection with
6 federal, state, or local housing assistance programs, unless
7 the subject of another federal or state exemption, is subject
8 to subsection (1).

9 2. Governmental agencies or their agents are entitled
10 to access to the records specified in this paragraph for the
11 purposes of auditing federal, state, or local housing programs
12 or housing assistance programs. Such records may be used by an
13 agency, as needed, in any administrative or judicial
14 proceeding, provided such records are kept confidential and
15 exempt, unless otherwise ordered by a court.

16 3. This paragraph is repealed effective October 2,
17 2003, and must be reviewed by the Legislature before that date
18 in accordance with s. 119.15, the Open Government Sunset
19 Review Act of 1995.

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

29 1. With the express written consent of the individual
30 or the individual's legally authorized representative.

31

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

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

4 4. To a health research entity, if the entity seeks
5 the records or data pursuant to a research protocol approved
6 by the department, maintains the records or data in accordance
7 with the approved protocol, and enters into a purchase and
8 data-use agreement with the department, the fee provisions of
9 which are consistent with subsection (4)~~paragraph (1)(a)~~. The
10 department may deny a request for records or data if the
11 protocol provides for intrusive follow-back contacts, has not
12 been approved by a human studies institutional review board,
13 does not plan for the destruction of confidential records
14 after the research is concluded, is administratively
15 burdensome, or does not have scientific merit. The agreement
16 must restrict the release of any information, which would
17 permit the identification of persons, limit the use of records
18 or data to the approved research protocol, and prohibit any
19 other use of the records or data. Copies of records or data
20 issued pursuant to this subparagraph remain the property of
21 the department.

22

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

27 (dd) Bank account numbers and debit, charge, and
28 credit card numbers held by an agency are exempt from
29 subsection (1) and s. 24(a), Art. I of the State Constitution.
30 This exemption applies to bank account numbers and debit,
31 charge, and credit card numbers held by an agency before, on,

1 or after the effective date of this exemption. This paragraph
2 is subject to the Open Government Sunset Review Act of 1995 in
3 accordance with s. 119.15, and shall stand repealed on October
4 2, 2007, unless reviewed and saved from repeal through
5 reenactment by the Legislature.

6 (ee) Building plans, blueprints, schematic drawings,
7 and diagrams, including draft, preliminary, and final formats,
8 which depict the internal layout and structural elements of a
9 building, arena, stadium, water treatment facility, or other
10 structure owned or operated by an agency as defined in s.
11 119.011 are exempt from the provisions of subsection (1) and
12 s. 24(a), Art. I of the State Constitution. This exemption
13 applies to building plans, blueprints, schematic drawings, and
14 diagrams, including draft, preliminary, and final formats,
15 which depict the internal layout and structural elements of a
16 building, arena, stadium, water treatment facility, or other
17 structure owned or operated by an agency before, on, or after
18 the effective date of this act. Information made exempt by
19 this paragraph may be disclosed to another governmental entity
20 if disclosure is necessary for the receiving entity to perform
21 its duties and responsibilities; to a licensed architect,
22 engineer, or contractor who is performing work on or related
23 to the building, arena, stadium, water treatment facility, or
24 other structure owned or operated by an agency; or upon a
25 showing of good cause before a court of competent
26 jurisdiction. The entities or persons receiving such
27 information shall maintain the exempt status of the
28 information. This paragraph is subject to the Open Government
29 Sunset Review Act of 1995 in accordance with s. 119.15, and
30 shall stand repealed on October 2, 2007, unless reviewed and
31 reenacted by the Legislature.

1 (ff)1. Until January 1, 2006, if a social security
2 number, made confidential and exempt pursuant to s. 119.0721
3 ~~s. 119.072~~, created pursuant to ~~s. 1, ch. 2002-256~~, passed
4 ~~during the 2002 regular legislative session~~, or a complete
5 bank account, debit, charge, or credit card number made exempt
6 pursuant to paragraph (dd)s. 119.07(ee), created pursuant to
7 ~~s. 1, ch. 2002-257~~, passed during the ~~2002 regular legislative~~
8 ~~session~~, is or has been included in a court file, such number
9 may be included as part of the court record available for
10 public inspection and copying unless redaction is requested by
11 the holder of such number, or by the holder's attorney or
12 legal guardian, in a signed, legibly written request
13 specifying the case name, case number, document heading, and
14 page number. The request must be delivered by mail, facsimile,
15 electronic transmission, or in person to the clerk of the
16 circuit court. The clerk of the circuit court does not have a
17 duty to inquire beyond the written request to verify the
18 identity of a person requesting redaction. A fee may not be
19 charged for the redaction of a social security number or a
20 bank account, debit, charge, or credit card number pursuant to
21 such request.

22 2. Any person who prepares or files a document to be
23 recorded in the official records by the county recorder as
24 provided in chapter 28 may not include a person's social
25 security number or complete bank account, debit, charge, or
26 credit card number in that document unless otherwise expressly
27 required by law. Until January 1, 2006, if a social security
28 number or a complete bank account, debit, charge or credit
29 card number is or has been included in a document presented to
30 the county recorder for recording in the official records of
31 the county, such number may be made available as part of the

1 official record available for public inspection and copying.
2 Any person, or his or her attorney or legal guardian, may
3 request that a county recorder remove from an image or copy of
4 an official record placed on a county recorder's publicly
5 available Internet website, or a publicly available Internet
6 website used by a county recorder to display public records
7 outside the office or otherwise made electronically available
8 outside the county recorder's office to the general public,
9 his or her social security number or complete bank account,
10 debit, charge, or credit card number contained in that
11 official record. Such request must be legibly written, signed
12 by the requester, and delivered by mail, facsimile, electronic
13 transmission, or in person to the county recorder. The request
14 must specify the identification page number of the document
15 that contains the number to be redacted. The county recorder
16 does not have a duty to inquire beyond the written request to
17 verify the identity of a person requesting redaction. A fee
18 may not be charged for redacting such numbers.

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

23 4. On January 1, 2006, and thereafter, the clerk of
24 the circuit court and the county recorder must keep complete
25 bank account, debit, charge, and credit card numbers exempt as
26 provided for in paragraph (dd) ~~s. 119.07(3)(ee)~~, and must keep
27 social security numbers confidential and exempt as provided
28 for in s. 119.0721 ~~s. 119.072~~, without any person having to
29 request redaction.

30 (gg) Any videotape or video signal which, under an
31 agreement with an agency, is produced, made, or received by,

1 or is in the custody of, a federally licensed radio or
2 television station or its agent is exempt from this chapter.

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

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

14 (8)(6) Nothing in subsection(6)(3)or any other
15 general or special law shall limit the access of the Auditor
16 General, the Office of Program Policy Analysis and Government
17 Accountability, or any state, county, municipal, university,
18 board of community college, school district, or special
19 district internal auditor to public records when such person
20 states in writing that such records are needed for a properly
21 authorized audit, examination, or investigation. Such person
22 shall maintain the exempt or confidential status
23 ~~confidentiality~~ of a any public record records that is exempt
24 or are confidential or ~~exempt~~ from the provisions of
25 subsection (1),and shall be subject to the same penalties as
26 the custodian custodians of that record those public records
27 for public disclosure of such record violating
28 confidentiality.

29 ~~(7)(a) Any person or organization, including the~~
30 ~~Department of Children and Family Services, may petition the~~
31 ~~court for an order making public the records of the Department~~

1 ~~of Children and Family Services that pertain to investigations~~
2 ~~of alleged abuse, neglect, abandonment, or exploitation of a~~
3 ~~child or a vulnerable adult. The court shall determine if good~~
4 ~~cause exists for public access to the records sought or a~~
5 ~~portion thereof. In making this determination, the court shall~~
6 ~~balance the best interest of the vulnerable adult or child who~~
7 ~~is the focus of the investigation, and in the case of the~~
8 ~~child, the interest of that child's siblings, together with~~
9 ~~the privacy right of other persons identified in the reports~~
10 ~~against the public interest. The public interest in access to~~
11 ~~such records is reflected in s. 119.01(1), and includes the~~
12 ~~need for citizens to know of and adequately evaluate the~~
13 ~~actions of the Department of Children and Family Services and~~
14 ~~the court system in providing vulnerable adults and children~~
15 ~~of this state with the protections enumerated in ss. 39.001~~
16 ~~and 415.101. However, this subsection does not contravene ss.~~
17 ~~39.202 and 415.107, which protect the name of any person~~
18 ~~reporting the abuse, neglect, or exploitation of a child or a~~
19 ~~vulnerable adult.~~

20 ~~(b) In cases involving serious bodily injury to a~~
21 ~~child or a vulnerable adult, the Department of Children and~~
22 ~~Family Services may petition the court for an order for the~~
23 ~~immediate public release of records of the department which~~
24 ~~pertain to the protective investigation. The petition must be~~
25 ~~personally served upon the child or vulnerable adult, the~~
26 ~~child's parents or guardian, the legal guardian of that~~
27 ~~person, if any, and any person named as an alleged perpetrator~~
28 ~~in the report of abuse, neglect, abandonment, or exploitation.~~
29 ~~The court must determine if good cause exists for the public~~
30 ~~release of the records sought no later than 24 hours,~~
31 ~~excluding Saturdays, Sundays, and legal holidays, after the~~

1 ~~date the department filed the petition with the court. If the~~
2 ~~court has neither granted nor denied the petition within the~~
3 ~~24-hour time period, the department may release to the public~~
4 ~~summary information including:~~

5 ~~1. A confirmation that an investigation has been~~
6 ~~conducted concerning the alleged victim.~~

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

9 ~~3. The date of each judicial proceeding, a summary of~~
10 ~~each participant's recommendations made at the judicial~~
11 ~~proceedings, and the rulings of the court.~~

12
13 ~~The summary information may not include the name of, or other~~
14 ~~identifying information with respect to, any person identified~~
15 ~~in any investigation. In making a determination to release~~
16 ~~confidential information, the court shall balance the best~~
17 ~~interests of the vulnerable adult or child who is the focus of~~
18 ~~the investigation and, in the case of the child, the interests~~
19 ~~of that child's siblings, together with the privacy rights of~~
20 ~~other persons identified in the reports against the public~~
21 ~~interest for access to public records. However, this paragraph~~
22 ~~does not contravene ss. 39.202 and 415.107, which protect the~~
23 ~~name of any person reporting abuse, neglect, or exploitation~~
24 ~~of a child or a vulnerable adult.~~

25 ~~(c) When the court determines that good cause for~~
26 ~~public access exists, the court shall direct that the~~
27 ~~department redact the name of and other identifying~~
28 ~~information with respect to any person identified in any~~
29 ~~protective investigation report until such time as the court~~
30 ~~finds that there is probable cause to believe that the person~~

31

1 ~~identified committed an act of alleged abuse, neglect, or~~
2 ~~abandonment.~~

3 (9)~~(8)~~ The provisions of this section are not intended
4 to expand or limit the provisions of Rule 3.220, Florida Rules
5 of Criminal Procedure, regarding the right and extent of
6 discovery by the state or by a defendant in a criminal
7 prosecution or in collateral postconviction proceedings. This
8 section may not be used by any inmate as the basis for failing
9 to timely litigate any postconviction action.

10 Section 9. Section 119.08, Florida Statutes, is
11 repealed.

12 Section 10. Section 119.084, Florida Statutes, is
13 amended to read:

14 119.084 Definitions; copyright of data processing
15 software created by governmental agencies; sale price and
16 licensing fee; ~~access to public records; prohibited~~
17 ~~contracts.--~~

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

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

22 ~~(b)~~ "Data processing software" ~~means the programs and~~
23 ~~routines used to employ and control the capabilities of data~~
24 ~~processing hardware, including, but not limited to, operating~~
25 ~~systems, compilers, assemblers, utilities, library routines,~~
26 ~~maintenance routines, applications, and computer networking~~
27 ~~programs.~~

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

30 (2) Any agency is authorized to acquire and hold
31 copyrights for data processing software created by the agency

1 and to enforce its rights pertaining to such copyrights,
2 provided that the agency complies with the requirements of
3 this section.

4 (a) Any agency that has acquired a copyright for data
5 processing software created by the agency may sell or license
6 the copyrighted data processing software to any public agency
7 or private person and may establish a price for the sale and a
8 license fee for the use of such data processing software.
9 Proceeds from the sale or licensing of copyrighted data
10 processing software shall be deposited by the agency into a
11 trust fund for the agency's appropriate use for authorized
12 purposes. Counties, municipalities, and other political
13 subdivisions of the state may designate how such sale and
14 licensing proceeds are to be used. The price for the sale of
15 and the fee for the licensing of copyrighted data processing
16 software may be based on market considerations. However, the
17 prices or fees for the sale or licensing of copyrighted data
18 processing software to an individual or entity solely for
19 application to information maintained or generated by the
20 agency that created the copyrighted data processing software
21 shall be determined pursuant to s. 119.07(4)~~(1)~~.

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

25 ~~(3) Subject to the restrictions of copyright and trade~~
26 ~~secret laws and public records exemptions, agency use of~~
27 ~~proprietary software must not diminish the right of the public~~
28 ~~to inspect and copy a public record.~~

29 ~~(4) An agency must consider when designing or~~
30 ~~acquiring an electronic recordkeeping system that such system~~
31 ~~is capable of providing data in some common format such as,~~

1 ~~but not limited to, the American Standard Code for Information~~
2 ~~Interchange.~~

3 ~~(5) Each agency that maintains a public record in an~~
4 ~~electronic recordkeeping system shall provide to any person,~~
5 ~~pursuant to this chapter, a copy of any public record in that~~
6 ~~system which is not exempted by law from public disclosure.~~
7 ~~An agency must provide a copy of the record in the medium~~
8 ~~requested if the agency maintains the record in that medium,~~
9 ~~and the agency may charge a fee which shall be in accordance~~
10 ~~with this chapter. For the purpose of satisfying a public~~
11 ~~records request, the fee to be charged by an agency if it~~
12 ~~elects to provide a copy of a public record in a medium not~~
13 ~~routinely used by the agency, or if it elects to compile~~
14 ~~information not routinely developed or maintained by the~~
15 ~~agency or that requires a substantial amount of manipulation~~
16 ~~or programming, must be in accordance with s. 119.07(1)(b).~~

17 ~~(6) An agency may not enter into a contract for the~~
18 ~~creation or maintenance of a public records database if that~~
19 ~~contract impairs the ability of the public to inspect or copy~~
20 ~~the public records of that agency, including public records~~
21 ~~that are on-line or stored in an electronic recordkeeping~~
22 ~~system used by the agency. Such contract may not allow any~~
23 ~~impediment that as a practical matter makes it more difficult~~
24 ~~for the public to inspect or copy the records than to inspect~~
25 ~~or copy the agency's records. The fees and costs for the~~
26 ~~production of such records may not be more than the fees or~~
27 ~~costs charged by the agency.~~

28 (3)~~(7)~~ This section is subject to the Open Government
29 Sunset Review Act of 1995 in accordance with s. 119.15 and
30 shall stand repealed on October 2, 2006, unless reviewed and
31 saved from repeal through reenactment by the Legislature.

1 Section 11. Sections 119.085 and 119.09, Florida
2 Statutes, are repealed.

3 Section 12. Section 119.10, Florida Statutes, is
4 amended to read:

5 119.10 Violation of chapter; penalties.--

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

9 (2) Any person who willfully and knowingly violates:
10 ~~violating~~

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

14 (b)(3) ~~Section~~ Any person who willfully and knowingly
15 ~~violates s.~~119.105 commits a felony of the third degree,
16 punishable as provided in s. 775.082, s. 775.083, or s.
17 775.084.

18 Section 13. Section 119.105, Florida Statutes, is
19 amended to read:

20 119.105 Protection of victims of crimes or
21 accidents.--Police reports are public records except as
22 otherwise made exempt or confidential ~~by general or special~~
23 ~~law~~. Every person is allowed to examine nonexempt or
24 nonconfidential police reports. No person who inspects or
25 copies police reports for the purpose of obtaining the names
26 and addresses of the victims of crimes or accidents shall use
27 any information contained therein for any commercial
28 solicitation of the victims or relatives of the victims of the
29 reported crimes or accidents. Nothing herein shall prohibit
30 the publication of such information by any news media or the
31

1 use of such information for any other data collection or
2 analysis purposes.

3 Section 14. Paragraph (a) of subsection (1) of section
4 120.55, Florida Statutes, is amended to read:

5 120.55 Publication.--

6 (1) The Department of State shall:

7 (a)1. Through a continuous revision system, compile
8 and publish the "Florida Administrative Code." The Florida
9 Administrative Code shall contain ~~Publish in a permanent~~
10 ~~compilation entitled "Florida Administrative Code"~~ all rules
11 adopted by each agency, citing the specific rulemaking
12 authority pursuant to which each rule was adopted, all history
13 notes as authorized in s. 120.545(9), and complete indexes to
14 all rules contained in the code. Supplementation shall be made
15 as often as practicable, but at least monthly. The department
16 may contract with a publishing firm for the publication, in a
17 timely and useful form, of the Florida Administrative Code;
18 however, the department shall retain responsibility for the
19 code as provided in this section. This publication shall be
20 the official compilation of the administrative rules of this
21 state. The Department of State shall retain the copyright
22 over the Florida Administrative Code.

23 2. Rules general in form but applicable to only one
24 school district, community college district, or county, or a
25 part thereof, or state university rules relating to internal
26 personnel or business and finance shall not be published in
27 the Florida Administrative Code. Exclusion from publication in
28 the Florida Administrative Code shall not affect the validity
29 or effectiveness of such rules.

30 3. At the beginning of the section of the code dealing
31 with an agency that files copies of its rules with the

1 department, the department shall publish the address and
2 telephone number of the executive offices of each agency, the
3 manner by which the agency indexes its rules, a listing of all
4 rules of that agency excluded from publication in the code,
5 and a statement as to where those rules may be inspected.

6 4. Forms shall not be published in the Florida
7 Administrative Code; but any form which an agency uses in its
8 dealings with the public, along with any accompanying
9 instructions, shall be filed with the committee before it is
10 used. Any form or instruction which meets the definition of
11 "rule" provided in s. 120.52 shall be incorporated by
12 reference into the appropriate rule. The reference shall
13 specifically state that the form is being incorporated by
14 reference and shall include the number, title, and effective
15 date of the form and an explanation of how the form may be
16 obtained.

17 Section 15. Paragraph (b) of subsection (2) of section
18 257.36, Florida Statutes, is amended to read:

19 257.36 Records and information management.--

20 (2)

21 (b) Title to any record detained in any records center
22 shall remain in the agency transferring such record to the
23 division. When the Legislature transfers any duty or
24 responsibility of an agency to another agency, the receiving
25 agency shall be the custodian of public records with regard to
26 the public records associated with that transferred duty or
27 responsibility, and shall be responsible for the records
28 storage service charges of the division. If an agency is
29 dissolved and the legislation dissolving that agency does not
30 assign an existing agency as the custodian of public records
31 for the dissolved agency's records, then the Cabinet is the

1 custodian of public records for the dissolved agency, unless
2 the Cabinet otherwise designates a custodian. The Cabinet or
3 the agency designated by the Cabinet shall be responsible for
4 the records storage service charges of the division.

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

7 328.15 Notice of lien on vessel; recording.--

8 (5) The Department of Highway Safety and Motor
9 Vehicles shall make such rules and regulations as it deems
10 necessary or proper for the effective administration of this
11 law. The department may by rule require that a notice of
12 satisfaction of a lien be notarized. The department shall
13 prepare the forms of the notice of lien and the satisfaction
14 of lien to be supplied, at a charge not to exceed 50 percent
15 more than cost, to applicants for recording the liens or
16 satisfactions and shall keep a ~~permanent~~ record of such
17 notices of lien and satisfactions available for inspection by
18 the public at all reasonable times. The division is authorized
19 to furnish certified copies of such satisfactions for a fee of
20 \$1, which certified copies shall be admissible in evidence in
21 all courts of this state under the same conditions and to the
22 same effect as certified copies of other public records.

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

25 372.5717 Hunter safety course; requirements;
26 penalty.--

27 (4) The commission shall issue a permanent hunter
28 safety certification card to each person who successfully
29 completes the hunter safety course. The commission shall
30 maintain ~~permanent~~ records of hunter safety certification
31

1 cards issued and shall establish procedures for replacing lost
2 or destroyed cards.

3 Section 18. Section 415.1071, Florida Statutes, is
4 created to read:

5 415.1071 Release of confidential information.--

6 (1) Any person or organization, including the
7 Department of Children and Family Services, may petition the
8 court for an order making public the records of the Department
9 of Children and Family Services that pertain to investigations
10 of alleged abuse, neglect, or exploitation of a vulnerable
11 adult. The court shall determine if good cause exists for
12 public access to the records sought or a portion thereof. In
13 making this determination, the court shall balance the best
14 interest of the vulnerable adult who is the focus of the
15 investigation together with the privacy right of other persons
16 identified in the reports against the public interest. The
17 public interest in access to such records is reflected in s.
18 119.01(1), and includes the need for citizens to know of and
19 adequately evaluate the actions of the Department of Children
20 and Family Services and the court system in providing
21 vulnerable adults of this state with the protections
22 enumerated in s. 415.101. However, this subsection does not
23 contravene s. 415.107, which protects the name of any person
24 reporting the abuse, neglect, or exploitation of a vulnerable
25 adult.

26 (2) In cases involving serious bodily injury to a
27 vulnerable adult, the Department of Children and Family
28 Services may petition the court for an order for the immediate
29 public release of records of the department which pertain to
30 the protective investigation. The petition must be personally
31 served upon the vulnerable adult, the legal guardian of that

1 person, if any, and any person named as an alleged perpetrator
2 in the report of abuse, neglect, or exploitation. The court
3 must determine if good cause exists for the public release of
4 the records sought no later than 24 hours, excluding
5 Saturdays, Sundays, and legal holidays, after the date the
6 department filed the petition with the court. If the court has
7 neither granted nor denied the petition within the 24-hour
8 time period, the department may release to the public summary
9 information including:

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

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

14 (c) The date of each judicial proceeding, a summary of
15 each participant's recommendations made at the judicial
16 proceeding, and the ruling of the court.

17
18 The summary information may not include the name of, or other
19 identifying information with respect to, any person identified
20 in any investigation. In making a determination to release
21 confidential information, the court shall balance the best
22 interests of the vulnerable adult who is the focus of the
23 investigation together with the privacy rights of other
24 persons identified in the reports against the public interest
25 for access to public records. However, this paragraph does not
26 contravene s. 415.107, which protects the name of any person
27 reporting abuse, neglect, or exploitation of a vulnerable
28 adult.

29 (3) When the court determines that good cause for
30 public access exists, the court shall direct that the
31 department redact the name of and other identifying

1 information with respect to any person identified in any
2 protective investigation report until such time as the court
3 finds that there is probable cause to believe that the person
4 identified committed an act of alleged abuse, neglect, or
5 exploitation.

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

8 560.121 Records; limited restrictions upon public
9 access.--

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

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

21 560.123 Florida control of money laundering in the
22 Money Transmitters' Code; reports of transactions involving
23 currency or monetary instruments; when required; purpose;
24 definitions; penalties; corpus delicti.--

25 (6) The department must retain a copy of all reports
26 received under subsection (5) for a minimum of 3 ~~5~~ calendar
27 years after receipt of the report. However, if a report or
28 information contained in a report is known by the department
29 to be the subject of an existing criminal proceeding, the
30 report must be retained for a minimum of 10 calendar years
31 from the date of receipt.

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

3 560.129 Confidentiality.--

4 (5) Examination reports, investigatory records,
5 applications, and related information compiled by the
6 department, or photographic copies thereof, shall be retained
7 by the department for a period of at least 3 ~~10~~ years from the
8 date that the examination or investigation ceases to be
9 active. Application records, and related information compiled
10 by the department, or photographic copies thereof, shall be
11 retained by the department for a period of at least 2 years
12 from the date that the registration ceases to be active.

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

15 624.311 Records; reproductions; destruction.--

16 (3) The department may photograph, microphotograph, or
17 reproduce on film, or maintain in an electronic recordkeeping
18 system whereby each page will be reproduced in exact
19 conformity with the original, all financial records, financial
20 statements of domestic insurers, reports of business
21 transacted in this state by foreign insurers and alien
22 insurers, reports of examination of domestic insurers, and
23 such other records and documents on file in its office as it
24 may in its discretion select.

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

27 624.312 Reproductions and certified copies of records
28 as evidence.--

29 (1) Photographs or microphotographs in the form of
30 film or prints, or other reproductions from an electronic
31 recordkeeping system, of documents and records made under s.

1 624.311(3), or made under former s. 624.311(3) before October
2 1, 1982, shall have the same force and effect as the originals
3 thereof and shall be treated as originals for the purpose of
4 their admissibility in evidence. Duly certified or
5 authenticated reproductions of such photographs or
6 microphotographs or reproductions from an electronic
7 recordkeeping system shall be as admissible in evidence as the
8 originals.

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

11 633.527 Records concerning applicant; extent of
12 confidentiality.--

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

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

18 655.50 Florida Control of Money Laundering in
19 Financial Institutions Act; reports of transactions involving
20 currency or monetary instruments; when required; purpose;
21 definitions; penalties.--

22 ~~(8)(a) The department shall retain a copy of all~~
23 ~~reports received under subsection (4) for a minimum of 5~~
24 ~~calendar years after receipt of the report. However, if a~~
25 ~~report or information contained in a report is known by the~~
26 ~~department to be the subject of an existing criminal~~
27 ~~proceeding, the report shall be retained for a minimum of 10~~
28 ~~calendar years after receipt of the report.~~

29 (a)(b) Each financial institution shall maintain for a
30 minimum of 5 calendar years full and complete records of all
31

1 financial transactions, including all records required by 31
2 C.F.R. parts 103.33 and 103.34.

3 ~~(b)(c)~~ The financial institution shall retain a copy
4 of all reports filed with the department under subsection (4)
5 for a minimum of 5 calendar years after submission of the
6 report. ~~However, if a report or information contained in a~~
7 ~~report is known by the financial institution to be the subject~~
8 ~~of an existing criminal proceeding, the report shall be~~
9 ~~retained for a minimum of 10 calendar years after submission~~
10 ~~of the report.~~

11 ~~(c)(d)~~ The financial institution shall retain a copy
12 of all records of exemption for each designation of exempt
13 person made pursuant to subsection (6) for a minimum of 5
14 calendar years after termination of exempt status of such
15 customer. ~~However, if it is known by the financial institution~~
16 ~~that the customer or the transactions of the customer are the~~
17 ~~subject of an existing criminal proceeding, the records shall~~
18 ~~be retained for a minimum of 10 calendar years after~~
19 ~~termination of exempt status of such customer.~~

20 Section 26. Section 945.25, Florida Statutes, is
21 amended to read:

22 945.25 Records.--

23 (1) It shall be the duty of the Department of
24 Corrections to obtain and place in its ~~permanent~~ records
25 information as complete as practicable ~~may be practicably~~
26 ~~available~~ on every person who may be sentenced to supervision
27 or incarceration under the jurisdiction of the department
28 ~~become subject to parole~~. Such information shall be obtained
29 as soon as possible after imposition of sentence and shall, in
30 the discretion of the department, include, among other things:

31

1 (a) A copy of the indictment or information and a
2 complete statement of the facts of the crime for which such
3 person has been sentenced.

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

5 (c) The terms of the sentence.

6 (d) The name of the presiding judge, the prosecuting
7 officers, the investigating officers, and the attorneys for
8 the person convicted.

9 (e) A copy of all probation reports which may have
10 been made.

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

13 ~~(2) The department, in its discretion, shall also~~
14 ~~obtain and place in its permanent records such information on~~
15 ~~every person who may be placed on probation, and on every~~
16 ~~person who may become subject to pardon and commutation of~~
17 ~~sentence.~~

18 (2)~~(3)~~ It shall be the duty of the court and its
19 prosecuting officials to furnish to the department upon its
20 request such information and also to furnish such copies of
21 such minutes and other records as may be in their possession
22 or under their control.

23 (3)~~(4)~~ Following the initial hearing provided for in
24 s. 947.172(1), the commission shall prepare and the department
25 shall include in the official record a copy of the
26 seriousness-of-offense and favorable-parole-outcome scores and
27 shall include a listing of the specific factors and
28 information used in establishing a presumptive parole release
29 date for the inmate.

30 Section 27. Paragraph (e) of subsection (4) of section
31 985.31, Florida Statutes, is amended to read:

1 985.31 Serious or habitual juvenile offender.--
2 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--
3 (e) The results of any serologic blood or urine test
4 on a serious or habitual juvenile offender shall become a part
5 of that child's ~~permanent~~ medical file. Upon transfer of the
6 child to any other designated treatment facility, such file
7 shall be transferred in an envelope marked confidential. The
8 results of any test designed to identify the human
9 immunodeficiency virus, or its antigen or antibody, shall be
10 accessible only to persons designated by rule of the
11 department. The provisions of such rule shall be consistent
12 with the guidelines established by the Centers for Disease
13 Control and Prevention.

14 Section 28. Paragraph (d) of subsection (6) of section
15 212.095, Florida Statutes, is repealed.

16 Section 29. Subsection (9) of section 238.03, Florida
17 Statutes, is repealed.

18 Section 30. Paragraph (a) of subsection (5) of section
19 15.09, Florida Statutes, is amended to read:

20 15.09 Fees.--

21 (5)(a) There is created within the Department of State
22 a Public Access Data Systems Trust Fund, which shall be used
23 by the department to purchase information systems and
24 equipment that provide greater public accessibility to the
25 information and records maintained by it. Notwithstanding any
26 other provision of law, the Divisions of Licensing, Elections,
27 and Corporations of the department shall transfer each fiscal
28 year to the Public Access Data Systems Trust Fund from their
29 respective trust funds:

30
31

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

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

6 Section 31. Paragraph (f) of subsection (1) of section
7 23.22, Florida Statutes, is amended to read:

8 23.22 Paperwork reduction; activities of
9 departments.--

10 (1) In order to reduce the amount of paperwork
11 associated with the collection of information from
12 individuals, private-sector organizations, and local
13 governments and to provide more efficient and effective
14 assistance to such individuals and organizations in completing
15 necessary paperwork required by the government, each
16 department head shall, to the extent feasible:

17 (f) Collaborate with the Division of Library and
18 Information Services, pursuant to s. 119.021(2)(d) ~~119.09~~, to
19 identify and index records retention requirements placed on
20 private-sector organizations and local governments in Florida,
21 clarify and reduce the requirements, and educate the affected
22 entities through various communications media, including
23 voice, data, video, radio, and image.

24 Section 32. Paragraph (d) of subsection (1) of section
25 101.5607, Florida Statutes, is amended to read:

26 101.5607 Department of State to maintain voting system
27 information; prepare software.--

28 (1)

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

31

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

3 112.533 Receipt and processing of complaints.--
4 (2)

5 (b) This subsection does not apply to any public
6 record which is exempt from public disclosure pursuant to s.
7 119.07(6)(3). For the purposes of this subsection, an
8 investigation shall be considered active as long as it is
9 continuing with a reasonable, good faith anticipation that an
10 administrative finding will be made in the foreseeable future.
11 An investigation shall be presumed to be inactive if no
12 finding is made within 45 days after the complaint is filed.

13 Section 34. Paragraph (e) of subsection (2) of section
14 1012.31, Florida Statutes, is amended to read:

15 1012.31 Personnel files.--Public school system
16 employee personnel files shall be maintained according to the
17 following provisions:

18 (2)

19 (e) Upon request, an employee, or any person
20 designated in writing by the employee, shall be permitted to
21 examine the personnel file of such employee. The employee
22 shall be permitted conveniently to reproduce any materials in
23 the file, at a cost no greater than the fees prescribed in s.
24 119.07(4)(1).

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

27 257.34 Florida International Archive and Repository.--

28 (1) There is created within the Division of Library
29 and Information Services of the Department of State the
30 Florida International Archive and Repository for the
31 preservation of those public records, as defined in s.

1 119.011(11)~~(1)~~, manuscripts, international judgments involving
2 disputes between domestic and foreign businesses, and all
3 other public matters that the department or the Florida
4 Council of International Development deems relevant to
5 international issues. It is the duty and responsibility of the
6 division to:

7 (a) Organize and administer the Florida International
8 Archive and Repository.

9 (b) Preserve and administer records that are
10 transferred to its custody; accept, arrange, and preserve
11 them, according to approved archival and repository practices;
12 and permit them, at reasonable times and under the supervision
13 of the division, to be inspected, examined, and copied. All
14 public records transferred to the custody of the division are
15 subject to the provisions of s. 119.07(1).

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

18 (d) Cooperate with and assist, insofar as practicable,
19 state institutions, departments, agencies, counties,
20 municipalities, and individuals engaged in internationally
21 related activities.

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

25 (f) Conduct, promote, and encourage research in
26 international trade, government, and culture and maintain a
27 program of information, assistance, coordination, and guidance
28 for public officials, educational institutions, libraries, the
29 scholarly community, and the general public engaged in such
30 research.

31

1 (g) Cooperate with and, insofar as practicable, assist
2 agencies, libraries, institutions, and individuals in projects
3 concerned with internationally related issues and preserve
4 original materials relating to internationally related issues.

5 (h) Assist and cooperate with the records and
6 information management program in the training and information
7 program described in s. 257.36(1)(g).

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

10 257.35 Florida State Archives.--

11 (1) There is created within the Division of Library
12 and Information Services of the Department of State the
13 Florida State Archives for the preservation of those public
14 records, as defined in s. 119.011(11)(~~1~~), manuscripts, and
15 other archival material that have been determined by the
16 division to have sufficient historical or other value to
17 warrant their continued preservation and have been accepted by
18 the division for deposit in its custody. It is the duty and
19 responsibility of the division to:

20 (a) Organize and administer the Florida State
21 Archives.

22 (b) Preserve and administer such records as shall be
23 transferred to its custody; accept, arrange, and preserve
24 them, according to approved archival practices; and permit
25 them, at reasonable times and under the supervision of the
26 division, to be inspected, examined, and copied. All public
27 records transferred to the custody of the division shall be
28 subject to the provisions of s. 119.07(1), except that any
29 public record or other record provided by law to be
30 confidential or prohibited from inspection by the public shall
31 be made accessible only after a period of 50 years from the

1 date of the creation of the record. Any nonpublic manuscript
2 or other archival material which is placed in the keeping of
3 the division under special terms and conditions, shall be made
4 accessible only in accordance with such law terms and
5 conditions and shall be exempt from the provisions of s.
6 119.07(1) to the extent necessary to meet the terms and
7 conditions for a nonpublic manuscript or other archival
8 material.

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

11 (d) Cooperate with and assist insofar as practicable
12 state institutions, departments, agencies, counties,
13 municipalities, and individuals engaged in activities in the
14 field of state archives, manuscripts, and history and accept
15 from any person any paper, book, record, or similar material
16 which in the judgment of the division warrants preservation in
17 the state archives.

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

21 (f) Conduct, promote, and encourage research in
22 Florida history, government, and culture and maintain a
23 program of information, assistance, coordination, and guidance
24 for public officials, educational institutions, libraries, the
25 scholarly community, and the general public engaged in such
26 research.

27 (g) Cooperate with and, insofar as practicable, assist
28 agencies, libraries, institutions, and individuals in projects
29 designed to preserve original source materials relating to
30 Florida history, government, and culture and prepare and
31 publish handbooks, guides, indexes, and other literature

1 directed toward encouraging the preservation and use of the
2 state's documentary resources.

3 (h) Encourage and initiate efforts to preserve,
4 collect, process, transcribe, index, and research the oral
5 history of Florida government.

6 (i) Assist and cooperate with the records and
7 information management program in the training and information
8 program described in s. 257.36(1)(g).

9 Section 37. Section 282.21, Florida Statutes, is
10 amended to read:

11 282.21 The State Technology Office's electronic access
12 services.--The State Technology Office may collect fees for
13 providing remote electronic access pursuant to s. 119.01(2)(f)
14 ~~119.085~~. The fees may be imposed on individual transactions or
15 as a fixed subscription for a designated period of time. All
16 fees collected under this section shall be deposited in the
17 appropriate trust fund of the program or activity that made
18 the remote electronic access available.

19 Section 38. Paragraph (h) of subsection (2) of section
20 287.0943, Florida Statutes, is amended to read:

21 287.0943 Certification of minority business
22 enterprises.--

23 (2)

24 (h) The certification procedures should allow an
25 applicant seeking certification to designate on the
26 application form the information the applicant considers to be
27 proprietary, confidential business information. As used in
28 this paragraph, "proprietary, confidential business
29 information" includes, but is not limited to, any information
30 that would be exempt from public inspection pursuant to the
31 provisions of s. 119.07(6)~~(3)~~; trade secrets; internal

1 auditing controls and reports; contract costs; or other
2 information the disclosure of which would injure the affected
3 party in the marketplace or otherwise violate s. 286.041. The
4 executor in receipt of the application shall issue written and
5 final notice of any information for which noninspection is
6 requested but not provided for by law.

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

9 320.05 Records of the department; inspection
10 procedure; lists and searches; fees.--

11 (1) Except as provided in ss. 119.07~~(6)(3)~~ and
12 320.025(3), the department may release records as provided in
13 this section.

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

16 322.20 Records of the department; fees; destruction of
17 records.--

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

20 Section 41. Paragraph (b) of subsection (2) of section
21 338.223, Florida Statutes, is amended to read:

22 338.223 Proposed turnpike projects.--

23 (2)

24 (b) In accordance with the legislative intent
25 expressed in s. 337.273, and after the requirements of
26 paragraph (1)(c) have been met, the department may acquire
27 lands and property before making a final determination of the
28 economic feasibility of a project. The requirements of
29 paragraph (1)(c) do not apply to hardship and protective
30 purchases of advance right-of-way by the department. The cost
31 of advance acquisition of right-of-way may be paid from bonds

1 issued under s. 337.276 or from turnpike revenues. For
2 purposes of this paragraph, the term "hardship purchase" means
3 purchase from a property owner of a residential dwelling of
4 not more than four units who is at a disadvantage due to
5 health impairment, job loss, or significant loss of rental
6 income. For purposes of this paragraph, the term "protective
7 purchase" means that a purchase to limit development,
8 building, or other intensification of land uses within the
9 area right-of-way is needed for transportation facilities. The
10 department shall give written notice to the Department of
11 Environmental Protection 30 days before final agency
12 acceptance as set forth in s. 119.07(6)~~(3)~~(n), which notice
13 shall allow the Department of Environmental Protection to
14 comment. Hardship and protective purchases of right-of-way
15 shall not influence the environmental feasibility of a
16 project, including the decision relative to the need to
17 construct the project or the selection of a specific location.
18 Costs to acquire and dispose of property acquired as hardship
19 and protective purchases are considered costs of doing
20 business for the department and are not to be considered in
21 the determination of environmental feasibility for the
22 project.

23 Section 42. Paragraph (a) of subsection (1) of section
24 378.406, Florida Statutes, is amended to read:

25 378.406 Confidentiality of records; availability of
26 information.--

27 (1)(a) Any information relating to prospecting, rock
28 grades, or secret processes or methods of operation which may
29 be required, ascertained, or discovered by inspection or
30 investigation shall be exempt from the provisions of s.
31 119.07(1), shall not be disclosed in public hearings, and

1 shall be kept confidential by any member, officer, or employee
2 of the department, if the applicant requests the department to
3 keep such information confidential and informs the department
4 of the basis for such confidentiality. Should the secretary
5 determine that such information requested to be kept
6 confidential shall not be kept confidential, the secretary
7 shall provide the operator with not less than 30 days' notice
8 of his or her intent to release the information. When making
9 his or her determination, the secretary shall consider the
10 public purposes specified in s. 119.15(4)(b) ~~119.14(4)(b)~~.

11 Section 43. Paragraph (c) of subsection (1) of section
12 400.0077, Florida Statutes, is amended to read:

13 400.0077 Confidentiality.--

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

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

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

26 401.27 Personnel; standards and certification.--

27 (5) The certification examination must be offered
28 monthly. The department shall issue an examination admission
29 notice to the applicant advising him or her of the time and
30 place of the examination for which he or she is scheduled.
31 Individuals achieving a passing score on the certification

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

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

15 403.111 Confidential records.--

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

1 whether the information requested to be kept confidential
2 should or should not be kept confidential. The department
3 shall determine whether the information submitted should be
4 kept confidential pursuant to the public purpose test as
5 stated in s. 119.15(4)(b)3.~~119.14(4)(b)3.~~

6 Section 46. Section 409.2577, Florida Statutes, is
7 amended to read:

8 409.2577 Parent locator service.--The department shall
9 establish a parent locator service to assist in locating
10 parents who have deserted their children and other persons
11 liable for support of dependent children. The department
12 shall use all sources of information available, including the
13 Federal Parent Locator Service, and may request and shall
14 receive information from the records of any person or the
15 state or any of its political subdivisions or any officer
16 thereof. Any agency as defined in s. 120.52, any political
17 subdivision, and any other person shall, upon request, provide
18 the department any information relating to location, salary,
19 insurance, social security, income tax, and employment history
20 necessary to locate parents who owe or potentially owe a duty
21 of support pursuant to Title IV-D of the Social Security Act.
22 This provision shall expressly take precedence over any other
23 statutory nondisclosure provision which limits the ability of
24 an agency to disclose such information, except that law
25 enforcement information as provided in s. 119.07(6)~~(3)~~(i) is
26 not required to be disclosed, and except that confidential
27 taxpayer information possessed by the Department of Revenue
28 shall be disclosed only to the extent authorized in s.
29 213.053(15). Nothing in this section requires the disclosure
30 of information if such disclosure is prohibited by federal
31 law. Information gathered or used by the parent locator

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

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

28 455.219 Fees; receipts; disposition; periodic
29 management reports.--

30 (6) The department or the appropriate board shall
31 charge a fee not to exceed \$25 for the certification of a

1 public record. The fee shall be determined by rule of the
2 department. The department or the appropriate board shall
3 assess a fee for duplication of a public record as provided in
4 s. 119.07(4)(1)(a) and (b).

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

7 456.025 Fees; receipts; disposition.--

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

14 Section 49. Paragraph (1) of subsection (3) of section
15 627.311, Florida Statutes, is amended to read:

16 627.311 Joint underwriters and joint reinsurers.--

17 (3) The department may, after consultation with
18 insurers licensed to write automobile insurance in this state,
19 approve a joint underwriting plan for purposes of equitable
20 apportionment or sharing among insurers of automobile
21 liability insurance and other motor vehicle insurance, as an
22 alternate to the plan required in s. 627.351(1). All insurers
23 authorized to write automobile insurance in this state shall
24 subscribe to the plan and participate therein. The plan shall
25 be subject to continuous review by the department which may at
26 any time disapprove the entire plan or any part thereof if it
27 determines that conditions have changed since prior approval
28 and that in view of the purposes of the plan changes are
29 warranted. Any disapproval by the department shall be subject
30 to the provisions of chapter 120. If adopted, the plan and
31 the association created under the plan:

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

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

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

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

26 d. Matters reasonably encompassed in privileged
27 attorney-client communications.

28 e. Proprietary information licensed to the association
29 under contract when the contract provides for the
30 confidentiality of such proprietary information.

31

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

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

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

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

22
23 When an authorized insurer is considering underwriting a risk
24 insured by the association, relevant underwriting files and
25 confidential claims files may be released to the insurer
26 provided the insurer agrees in writing, notarized and under
27 oath, to maintain the confidentiality of such files. When a
28 file is transferred to an insurer, that file is no longer a
29 public record because it is not held by an agency subject to
30 the provisions of the public records law. The association may
31 make the following information obtained from underwriting

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

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

25
26 This paragraph is subject to the Open Government Sunset Review
27 Act of 1995 in accordance with s. 119.15, and shall stand
28 repealed on October 2, 2003, unless reviewed and saved from
29 repeal through reenactment by the Legislature.

30 Section 50. Paragraph (n) of subsection (6) of section
31 627.351, Florida Statutes, is amended to read:

1 627.351 Insurance risk apportionment plans.--
2 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--
3 (n)1. The following records of the corporation are
4 confidential and exempt from the provisions of s. 119.07(1)
5 and s. 24(a), Art. I of the State Constitution:
6 a. Underwriting files, except that a policyholder or
7 an applicant shall have access to his or her own underwriting
8 files.
9 b. Claims files, until termination of all litigation
10 and settlement of all claims arising out of the same incident,
11 although portions of the claims files may remain exempt, as
12 otherwise provided by law. Confidential and exempt claims file
13 records may be released to other governmental agencies upon
14 written request and demonstration of need; such records held
15 by the receiving agency remain confidential and exempt as
16 provided for herein.
17 c. Records obtained or generated by an internal
18 auditor pursuant to a routine audit, until the audit is
19 completed, or if the audit is conducted as part of an
20 investigation, until the investigation is closed or ceases to
21 be active. An investigation is considered "active" while the
22 investigation is being conducted with a reasonable, good faith
23 belief that it could lead to the filing of administrative,
24 civil, or criminal proceedings.
25 d. Matters reasonably encompassed in privileged
26 attorney-client communications.
27 e. Proprietary information licensed to the corporation
28 under contract and the contract provides for the
29 confidentiality of such proprietary information.
30 f. All information relating to the medical condition
31 or medical status of a corporation employee which is not

1 relevant to the employee's capacity to perform his or her
2 duties, except as otherwise provided in this paragraph.
3 Information which is exempt shall include, but is not limited
4 to, information relating to workers' compensation, insurance
5 benefits, and retirement or disability benefits.

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

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

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

22
23 When an authorized insurer is considering underwriting a risk
24 insured by the corporation, relevant underwriting files and
25 confidential claims files may be released to the insurer
26 provided the insurer agrees in writing, notarized and under
27 oath, to maintain the confidentiality of such files. When a
28 file is transferred to an insurer that file is no longer a
29 public record because it is not held by an agency subject to
30 the provisions of the public records law. Underwriting files
31 and confidential claims files may also be released to staff of

1 and the board of governors of the market assistance plan
2 established pursuant to s. 627.3515, who must retain the
3 confidentiality of such files, except such files may be
4 released to authorized insurers that are considering assuming
5 the risks to which the files apply, provided the insurer
6 agrees in writing, notarized and under oath, to maintain the
7 confidentiality of such files. Finally, the corporation or
8 the board or staff of the market assistance plan may make the
9 following information obtained from underwriting files and
10 confidential claims files available to licensed general lines
11 insurance agents: name, address, and telephone number of the
12 residential property owner or insured; location of the risk;
13 rating information; loss history; and policy type. The
14 receiving licensed general lines insurance agent must retain
15 the confidentiality of the information received.

16 2. Portions of meetings of the corporation are exempt
17 from the provisions of s. 286.011 and s. 24(b), Art. I of the
18 State Constitution wherein confidential underwriting files or
19 confidential open claims files are discussed. All portions of
20 corporation meetings which are closed to the public shall be
21 recorded by a court reporter. The court reporter shall record
22 the times of commencement and termination of the meeting, all
23 discussion and proceedings, the names of all persons present
24 at any time, and the names of all persons speaking. No
25 portion of any closed meeting shall be off the record.
26 Subject to the provisions hereof and s.
27 119.07(1)(b)-(d)+2(a), the court reporter's notes of any
28 closed meeting shall be retained by the corporation for a
29 minimum of 5 years. A copy of the transcript, less any exempt
30 matters, of any closed meeting wherein claims are discussed

31

1 shall become public as to individual claims after settlement
2 of the claim.

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

5 633.527 Records concerning applicant; extent of
6 confidentiality.--

7 (1) Test material is made confidential by s.
8 119.07(6)~~(3)~~(a). An applicant may waive in writing the
9 confidentiality of his or her examination answer sheet for the
10 purpose of discussion with the State Fire Marshal or his or
11 her staff.

12 Section 52. Paragraph (m) of subsection (2) of section
13 668.50, Florida Statutes, is amended to read:

14 668.50 Uniform Electronic Transaction Act.--

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

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

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

22 794.024 Unlawful to disclose identifying
23 information.--

24 (1) A public employee or officer who has access to the
25 photograph, name, or address of a person who is alleged to be
26 the victim of an offense described in this chapter, chapter
27 800, s. 827.03, s. 827.04, or s. 827.071 may not willfully and
28 knowingly disclose it to a person who is not assisting in the
29 investigation or prosecution of the alleged offense or to any
30 person other than the defendant, the defendant's attorney, a
31 person specified in an order entered by the court having

1 jurisdiction of the alleged offense, or organizations
2 authorized to receive such information made exempt by s.
3 119.07(6)(3)(f), or to a rape crisis center or sexual assault
4 counselor, as defined in s. 90.5035(1)(b), who will be
5 offering services to the victim.

6 Section 54. For the purpose of incorporating the
7 amendments to section 945.25, Florida Statutes, in a reference
8 thereto, paragraph (a) of subsection (2) of section 947.13,
9 Florida Statutes, is reenacted to read:

10 947.13 Powers and duties of commission.--

11 (2)(a) The commission shall immediately examine
12 records of the department under s. 945.25, and any other
13 records which it obtains, and may make such other
14 investigations as may be necessary.

15 Section 55. This act shall take effect July 1, 2003.

16

17 *****

18 SENATE SUMMARY

19 Reorganizes various provisions of chapter 119, F.S.,
20 which governs the maintenance and dissemination of public
21 records by state agencies and local governments. (See
22 bill for details.)
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