

By the Committee on Governmental Oversight and Productivity;
and Senator Wise

302-2288-03

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; repealing s. 430.015,
15 F.S.; removing a public necessity statement for
16 a public records exemption for identifying
17 information contained in records of elderly
18 persons collected and held by the Department of
19 Elderly Affairs; amending s. 440.132, F.S.;
20 removing a public necessity statement for a
21 public records exemption for investigatory
22 records of the Agency for Health Care
23 Administration made or received pursuant to a
24 workers' compensation managed care arrangement
25 and examination records necessary to complete
26 an investigation; repealing s. 723.0065, F.S.;
27 removing a public necessity statement for a
28 public records exemption for specified
29 financial records of mobile home park owners
30 acquired by the Division of Florida Land Sales,
31 Condominiums, and Mobile Homes of the

1 Department of Business and Professional
2 Regulation, and the Bureau of Mobile Homes of
3 the division; repealing s. 768.301, F.S.;
4 removing a public necessity statement for a
5 public records exemption for certain claims
6 files records and minutes of meetings and
7 proceedings relating to risk management
8 programs entered into by the state and its
9 agencies and subdivisions, and a public
10 meetings exemption for proceedings and meetings
11 regarding claims filed; repealing s. 815.045,
12 F.S.; removing a public necessity statement for
13 a public records exemption for data, programs,
14 or supporting documentation which are trade
15 secrets and which reside or exist internal or
16 external to a computer, computer system, or
17 computer network and which are held by an
18 agency; amending s. 943.031, F.S.; removing a
19 public necessity statement for a public records
20 and public meetings exemption for specified
21 portions of meetings of the Florida Violent
22 Crime and Drug Control Council, specified
23 portions of public records generated at closed
24 council meetings, and documents related to
25 active criminal investigations or matters
26 constituting active criminal intelligence;
27 providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (1) of section 18.20, Florida
2 Statutes, is amended to read:

3 18.20 Treasurer to make reproductions of certain
4 warrants, records, and documents.--

5 (1) All vouchers or checks heretofore or hereafter
6 drawn by appropriate court officials of the several counties
7 of the state against money deposited with the Treasurer under
8 the provisions of s. 43.17, and paid by the Treasurer, may be
9 photographed, microphotographed, or reproduced on film by the
10 Treasurer. Such photographic film shall be durable material
11 and the device used to so reproduce such warrants, vouchers,
12 or checks shall be one which accurately reproduces the
13 originals thereof in all detail; and such photographs,
14 microphotographs, or reproductions on film shall be placed in
15 conveniently accessible and identified files and shall be
16 preserved by the Treasurer as a part of the ~~permanent~~ records
17 of office. When any such warrants, vouchers, or checks have
18 been so photographed, microphotographed, or reproduced on
19 film, and the photographs, microphotographs, or reproductions
20 on film thereof have been placed in files as a part of the
21 ~~permanent~~ records of the office of the Treasurer as aforesaid,
22 the Treasurer is authorized to return such warrants, vouchers,
23 or checks to the offices of the respective county officials
24 who drew the same and such warrants, vouchers, or checks shall
25 be retained and preserved in such offices to which returned as
26 a part of the ~~permanent~~ records of such offices.

27 Section 2. Section 39.2021, Florida Statutes, is
28 created to read:

29 39.2021 Release of confidential information.--

30 (1) Any person or organization, including the
31 Department of Children and Family Services, may petition the

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

19 (2) In cases involving serious bodily injury to a
20 child, the Department of Children and Family Services may
21 petition the court for an order for the immediate public
22 release of records of the department which pertain to the
23 protective investigation. The petition must be personally
24 served upon the child, the child's parent or guardian, and any
25 person named as an alleged perpetrator in the report of abuse,
26 abandonment, or neglect. The court must determine if good
27 cause exists for the public release of the records sought no
28 later than 24 hours, excluding Saturdays, Sundays, and legal
29 holidays, after the date the department filed the petition
30 with the court. If the court has neither granted nor denied
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1 the petition within the 24-hour time period, the department
2 may release to the public summary information including:

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

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

7 (c) The date of each judicial proceeding, a summary of
8 each participant's recommendations made at the judicial
9 proceeding, and the ruling of the court.

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

22 (3) When the court determines that good cause for
23 public access exists, the court shall direct that the
24 department redact the name of and other identifying
25 information with respect to any person identified in any
26 protective investigation report until such time as the court
27 finds that there is probable cause to believe that the person
28 identified committed an act of alleged abuse, abandonment, or
29 neglect.

30 Section 3. Section 119.01, Florida Statutes, is
31 amended to read:

1 119.01 General state policy on public records.--

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

5 ~~(2) The Legislature finds that, given advancements in~~
6 ~~technology, Providing access to public records is a duty of~~
7 ~~each agency. by remote electronic means is an additional~~
8 ~~method of access that agencies should strive to provide to the~~
9 ~~extent feasible. If an agency provides access to public~~
10 ~~records by remote electronic means, then such access should be~~
11 ~~provided in the most cost-effective and efficient manner~~
12 ~~available to the agency providing the information.~~

13 ~~(2)(a)(3) The Legislature finds that providing access~~
14 ~~to public records is a duty of each agency and that Automation~~
15 ~~of public records must not erode the right of access to public~~
16 ~~those records. As each agency increases its use of and~~
17 ~~dependence on electronic recordkeeping, each agency must~~
18 ~~provide ensure reasonable public access to records~~
19 ~~electronically maintained and must keep information made~~
20 ~~exempt or confidential from being disclosed to the public.~~

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

26 ~~(c) An agency may not enter into a contract for the~~
27 ~~creation or maintenance of a public records database if that~~
28 ~~contract impairs the ability of the public to inspect or copy~~
29 ~~the public records of the agency, including public records~~
30 ~~that are on-line or stored in an electronic recordkeeping~~
31 ~~system used by the agency.~~

1 (d) Subject to the restrictions of copyright and trade
2 secret laws and public records exemptions, agency use of
3 proprietary software must not diminish the right of the public
4 to inspect and copy a public record.

5 (e) Providing access to public records by remote
6 electronic means is an additional method of access that
7 agencies should strive to provide to the extent feasible. If
8 an agency provides access to public records by remote
9 electronic means, such access should be provided in the most
10 cost-effective and efficient manner available to the agency
11 providing the information.

12 (f) Each agency that maintains a public record in an
13 electronic recordkeeping system shall provide to any person,
14 pursuant to this chapter, a copy of any public record in that
15 system which is not exempted by law from public disclosure. An
16 agency must provide a copy of the record in the medium
17 requested if the agency maintains the record in that medium,
18 and the agency may charge a fee in accordance with this
19 chapter. For the purpose of satisfying a public records
20 request, the fee to be charged by an agency if it elects to
21 provide a copy of a public record in a medium not routinely
22 used by the agency, or if it elects to compile information not
23 routinely developed or maintained by the agency or that
24 requires a substantial amount of manipulation or programming,
25 must be in accordance with s. 119.07(4).

26 (3) If public funds are expended by an agency defined
27 in s. 119.011(2) in payment of dues or membership
28 contributions for any person, corporation, foundation, trust,
29 association, group, or other organization, all the financial,
30 business, and membership records of that person, corporation,
31 foundation, trust, association, group, or other organization

1 which pertain to the public agency are public records and
2 subject to the provisions of s. 119.07.

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

9 Section 4. Section 119.011, Florida Statutes, is
10 amended to read:

11 119.011 Definitions.--As used in ~~For the purpose of~~
12 ~~this chapter, the term:~~

13 (1) "Actual cost of duplication" means the cost of the
14 material and supplies used to duplicate the public record, but
15 it does not include the labor cost or overhead cost associated
16 with such duplication. ~~"Public records" means all documents,~~
17 ~~papers, letters, maps, books, tapes, photographs, films, sound~~
18 ~~recordings, data processing software, or other material,~~
19 ~~regardless of the physical form, characteristics, or means of~~
20 ~~transmission, made or received pursuant to law or ordinance or~~
21 ~~in connection with the transaction of official business by any~~
22 ~~agency.~~

23 (2) "Agency" means any state, county, district,
24 authority, or municipal officer, department, division, board,
25 bureau, commission, or other separate unit of government
26 created or established by law including, for the purposes of
27 this chapter, the Commission on Ethics, the Public Service
28 Commission, and the Office of Public Counsel, and any other
29 public or private agency, person, partnership, corporation, or
30 business entity acting on behalf of any public agency.

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

5 (b) "Criminal investigative information" means
6 information with respect to an identifiable person or group of
7 persons compiled by a criminal justice agency in the course of
8 conducting a criminal investigation of a specific act or
9 omission, including, but not limited to, information derived
10 from laboratory tests, reports of investigators or informants,
11 or any type of surveillance.

12 (c) "Criminal intelligence information" and "criminal
13 investigative information" shall not include:

14 1. The time, date, location, and nature of a reported
15 crime.

16 2. The name, sex, age, and address of a person
17 arrested or of the victim of a crime except as provided in s.
18 119.07(6)(3)(f).

19 3. The time, date, and location of the incident and of
20 the arrest.

21 4. The crime charged.

22 5. Documents given or required by law or agency rule
23 to be given to the person arrested, except as provided in s.
24 119.07(6)(3)(f), and, except that the court in a criminal case
25 may order that certain information required by law or agency
26 rule to be given to the person arrested be maintained in a
27 confidential manner and exempt from the provisions of s.
28 119.07(1) until released at trial if it is found that the
29 release of such information would:

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1 a. Be defamatory to the good name of a victim or
2 witness or would jeopardize the safety of such victim or
3 witness; and

4 b. Impair the ability of a state attorney to locate or
5 prosecute a codefendant.

6 6. Informations and indictments except as provided in
7 s. 905.26.

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

10 1. Criminal intelligence information shall be
11 considered "active" as long as it is related to intelligence
12 gathering conducted with a reasonable, good faith belief that
13 it will lead to detection of ongoing or reasonably anticipated
14 criminal activities.

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

20
21 In addition, criminal intelligence and criminal investigative
22 information shall be considered "active" while such
23 information is directly related to pending prosecutions or
24 appeals. The word "active" shall not apply to information in
25 cases which are barred from prosecution under the provisions
26 of s. 775.15 or other statute of limitation.

27 (4) "Criminal justice agency" means:

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

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

1 (c) Any agency having custody of criminal intelligence
2 information or criminal investigative information for the
3 purpose of assisting such law enforcement agencies in the
4 conduct of active criminal investigation or prosecution or for
5 the purpose of litigating civil actions under the Racketeer
6 Influenced and Corrupt Organization Act, during the time that
7 such agencies are in possession of criminal intelligence
8 information or criminal investigative information pursuant to
9 their criminal law enforcement duties; ~~or. The term also~~
10 ~~includes~~

11 (d) The Department of Corrections.

12 (5) "Custodian of public records" means the elected or
13 appointed state, county, or municipal officer charged with the
14 responsibility of maintaining the office having public
15 records, or his or her designee.

16 (6) "Data processing software" means the programs and
17 routines used to employ and control the capabilities of data
18 processing hardware, including, but not limited to, operating
19 systems, compilers, assemblers, utilities, library routines,
20 maintenance routines, applications, and computer networking
21 programs.

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

24 (8) "Exemption" means a provision of general law which
25 provides that a specified record or meeting, or portion
26 thereof, is not subject to the access requirements of s.
27 119.07(1), s. 286.011, or s. 24, Art. I of the State
28 Constitution.

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

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

3 (11) "Public records" means all documents, papers,
4 letters, maps, books, tapes, photographs, films, sound
5 recordings, data processing software, or other material,
6 regardless of the physical form, characteristics, or means of
7 transmission, made or received pursuant to law or ordinance or
8 in connection with the transaction of official business by any
9 agency.

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

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

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

19 (b) Collect, process, store, and retrieve financial
20 management information of the agency, such as payroll and
21 accounting records; or

22 (c) Control and direct access authorizations and
23 security measures for automated systems.

24 Section 5. Sections 119.0115, 119.012, and 119.02,
25 Florida Statutes, are repealed.

26 Section 6. Section 119.021, Florida Statutes, is
27 amended to read:

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

30 119.021 Custodial requirements; maintenance,
31 preservation, and retention of public records.--

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

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

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

10 (c)1. Record books should be copied or repaired,
11 renovated, or rebound if worn, mutilated, damaged, or
12 difficult to read.

13 2. Whenever any state, county, or municipal records
14 are in need of repair, restoration, or rebinding, the head of
15 the concerned state agency, department, board, or commission;
16 the board of county commissioners of such county; or the
17 governing body of such municipality may authorize that such
18 records be removed from the building or office in which such
19 records are ordinarily kept for the length of time required to
20 repair, restore, or rebind them.

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

25 (2)(a) The Division of Library and Information
26 Services of the Department of State shall adopt rules to
27 establish retention schedules and a disposal process for
28 public records.

29 (b) Each agency shall comply with the rules
30 establishing retention schedules and disposal processes for
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1 public records which are adopted by the records and
2 information management program of the division.

3 (c) Every public official shall systematically dispose
4 of records no longer needed, subject to the consent of the
5 records and information management program of the division in
6 accordance with s. 257.36.

7 (d) The division may ascertain the condition of public
8 records and shall give advice and assistance to public
9 officials to solve problems related to the preservation,
10 creation, filing, and public accessibility of public records
11 in their custody. Public officials shall assist the division
12 by preparing an inclusive inventory of categories of public
13 records in their custody. The division shall establish a time
14 period for the retention or disposal of each series of
15 records. Upon the completion of the inventory and schedule,
16 the division shall, subject to the availability of necessary
17 space, staff, and other facilities for such purposes, make
18 space available in its records center for the filing of
19 semicurrent records so scheduled and in its archives for
20 noncurrent records of permanent value, and shall render such
21 other assistance as needed, including the microfilming of
22 records so scheduled.

23 (3) Agency orders that comprise final agency action
24 and that must be indexed or listed pursuant to s. 120.53 have
25 continuing legal significance; therefore, notwithstanding any
26 other provision of this chapter or any provision of chapter
27 257, each agency shall permanently maintain records of such
28 orders pursuant to the applicable rules of the Department of
29 State.

30 (4)(a) Whoever has custody of any public records shall
31 deliver, at the expiration of his or her term of office, to

1 his or her successor or, if there be none, to the records and
2 information management program of the Division of Library and
3 Information Services of the Department of State, all public
4 records kept or received by him or her in the transaction of
5 official business.

6 (b) Whoever is entitled to custody of public records
7 shall demand them from any person having illegal possession of
8 them, who must forthwith deliver the same to him or her. Any
9 person unlawfully possessing public records must within 10
10 days deliver such records to the lawful custodian of public
11 records unless just cause exists for failing to deliver such
12 records.

13 Section 7. Sections 119.031, 119.041, 119.05, and
14 119.06, Florida Statutes, are repealed.

15 Section 8. Section 119.07, Florida Statutes, is
16 amended to read:

17 119.07 Inspection, examination, and copying
18 duplication of records; fees; exemptions.--

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

24 (b) An exemption from this section does not imply an
25 exemption from s. 286.011. The exemption from s. 286.011 must
26 be expressly provided.

27 (c) A person who has custody of a public record who
28 asserts that an exemption applies to a part of such record
29 shall redact that portion of the record to which an exemption
30 has been asserted and validly applies, and such person shall
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1 produce the remainder of such record for inspection and
2 copying.

3 (d) If the person who has custody of a public record
4 contends that the record or part of it is exempt from
5 inspection and copying, he or she shall state the basis of the
6 exemption that he or she contends is applicable to the record,
7 including the statutory citation to an exemption created or
8 afforded by statute.

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

13 (f) In any civil action in which an exemption to this
14 section is asserted, if the exemption is alleged to exist
15 under or by virtue of paragraph (6)(c), paragraph (6)(d),
16 paragraph (6)(e), paragraph (6)(k), paragraph (6)(l), or
17 paragraph (6)(o), the public record or part thereof in
18 question shall be submitted to the court for an inspection in
19 camera. If an exemption is alleged to exist under or by virtue
20 of paragraph (6)(b), an inspection in camera will be
21 discretionary with the court. If the court finds that the
22 asserted exemption is not applicable, it shall order the
23 public record or part thereof in question to be immediately
24 produced for inspection or copying as requested by the person
25 seeking such access.

26 (g) Even if an assertion is made by the custodian of
27 public records that a requested record is not a public record
28 subject to public inspection or copying under this subsection,
29 the requested record shall, nevertheless, not be disposed of
30 for a period of 30 days after the date on which a written
31 request to inspect or copy the record was served on or

1 otherwise made to the custodian of public records by the
2 person seeking access to the record. If a civil action is
3 instituted within the 30-day period to enforce the provisions
4 of this section with respect to the requested record, the
5 custodian of public records may not dispose of the record
6 except by order of a court of competent jurisdiction after
7 notice to all affected parties.

8 (h) The absence of a civil action instituted for the
9 purpose stated in paragraph (f) does not relieve the custodian
10 of public records of the duty to maintain the record as a
11 public record if the record is in fact a public record subject
12 to public inspection and copying under this subsection and
13 does not otherwise excuse or exonerate the custodian of public
14 records from any unauthorized or unlawful disposition of such
15 record.

16 (2)(a) Any person shall have the right of access to
17 public records for the purpose of making photographs of the
18 record while in the possession, custody, and control of the
19 custodian of public records.

20 (b) This subsection applies to the making of
21 photographs in the conventional sense by use of a camera
22 device to capture images of public records but excludes the
23 duplication of microfilm in the possession of the clerk of the
24 circuit court where a copy of the microfilm may be made
25 available by the clerk.

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

29 (d) Photographing of public records shall be done in
30 the room where the public records are kept. If, in the
31 judgment of the custodian of public records, this is

1 impossible or impracticable, the work shall be done in another
2 room or place, as nearly adjacent as possible to the room
3 where the public records are kept, to be determined by the
4 custodian of public records. Where provision of another room
5 or place for photographing is required, the expense of
6 providing the same shall be paid by the person desiring to
7 photograph the public record pursuant to paragraph (4)(e).

8 (3)(a) As an additional means of inspecting or copying
9 public records, a custodian of public records may provide
10 access to public records by remote electronic means, provided
11 confidential or exempt information is not disclosed.

12 (b) The custodian of public records shall provide
13 safeguards to protect the contents of public records from
14 unauthorized remote electronic access or alteration and to
15 prevent the disclosure or modification of those portions of
16 public records which are exempt or confidential from
17 subsection (1) or s. 24, Art. I of the State Constitution.

18 (c) Unless otherwise required by law, the custodian of
19 public records may charge a fee for remote electronic access,
20 granted under a contractual arrangement with a user, which fee
21 may include the direct and indirect costs of providing such
22 access. Fees for remote electronic access provided to the
23 general public shall be in accordance with the provisions of
24 this section.

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

29 (a)1. Up to 15 cents per one-sided copy for duplicated
30 copies of not more than 14 inches by 8 1/2 inches;
31 7

1 2. An agency may charge no more than an additional 5
2 cents for each two-sided copy;~~upon payment of not more than~~
3 ~~15 cents per one-sided copy, and~~

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

13 (b) The charge for copies of county maps or aerial
14 photographs supplied by county constitutional officers may
15 also include a reasonable charge for the labor and overhead
16 associated with their duplication. ~~Unless otherwise provided~~
17 ~~by law, the fees to be charged for duplication of public~~
18 ~~records shall be collected, deposited, and accounted for in~~
19 ~~the manner prescribed for other operating funds of the agency.~~

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

22 (d)~~(b)~~ If the nature or volume of public records
23 requested to be inspected,~~examined,~~or copied pursuant to
24 this subsection is such as to require extensive use of
25 information technology resources or extensive clerical or
26 supervisory assistance by personnel of the agency involved, or
27 both, the agency may charge, in addition to the actual cost of
28 duplication, a special service charge, which shall be
29 reasonable and shall be based on the cost incurred for such
30 extensive use of information technology resources or the labor
31 cost of the personnel providing the service that is actually

1 incurred by the agency or attributable to the agency for the
2 clerical and supervisory assistance required, or both.

3 (e)1. Where provision of another room or place is
4 necessary to photograph public records, the expense of
5 providing the same shall be paid by the person desiring to
6 photograph the public records.

7 2. The custodian of public records may charge the
8 person making the photographs for supervision services at a
9 rate of compensation to be agreed upon by the person desiring
10 to make the photographs and the custodian or public records.
11 If they fail to agree as to the appropriate charge, the charge
12 shall be determined by the custodian of public records.

13 ~~"Information technology resources" means data processing~~
14 ~~hardware and software and services, communications, supplies,~~
15 ~~personnel, facility resources, maintenance, and training.~~

16 (5)(c) When ballots are produced under this section
17 for inspection or examination, no persons other than the
18 supervisor of elections or the supervisor's employees shall
19 touch the ballots. The supervisor of elections shall make a
20 reasonable effort to notify all candidates by telephone or
21 otherwise of the time and place of the inspection or
22 examination. All such candidates, or their representatives,
23 shall be allowed to be present during the inspection or
24 examination.

25 ~~(2)(a) A person who has custody of a public record and~~
26 ~~who asserts that an exemption provided in subsection (3) or in~~
27 ~~a general or special law applies to a particular public record~~
28 ~~or part of such record shall delete or excise from the record~~
29 ~~only that portion of the record with respect to which an~~
30 ~~exemption has been asserted and validly applies, and such~~
31 ~~person shall produce the remainder of such record for~~

1 ~~inspection and examination. If the person who has custody of~~
2 ~~a public record contends that the record or part of it is~~
3 ~~exempt from inspection and examination, he or she shall state~~
4 ~~the basis of the exemption which he or she contends is~~
5 ~~applicable to the record, including the statutory citation to~~
6 ~~an exemption created or afforded by statute, and, if requested~~
7 ~~by the person seeking the right under this subsection to~~
8 ~~inspect, examine, or copy the record, he or she shall state in~~
9 ~~writing and with particularity the reasons for the conclusion~~
10 ~~that the record is exempt.~~

11 ~~(b) In any civil action in which an exemption to~~
12 ~~subsection (1) is asserted, if the exemption is alleged to~~
13 ~~exist under or by virtue of paragraph (c), paragraph (d),~~
14 ~~paragraph (e), paragraph (k), paragraph (l), or paragraph (o)~~
15 ~~of subsection (3), the public record or part thereof in~~
16 ~~question shall be submitted to the court for an inspection in~~
17 ~~camera. If an exemption is alleged to exist under or by~~
18 ~~virtue of paragraph (b) of subsection (3), an inspection in~~
19 ~~camera will be discretionary with the court. If the court~~
20 ~~finds that the asserted exemption is not applicable, it shall~~
21 ~~order the public record or part thereof in question to be~~
22 ~~immediately produced for inspection, examination, or copying~~
23 ~~as requested by the person seeking such access.~~

24 ~~(c) Even if an assertion is made by the custodian of a~~
25 ~~public record that a requested record is not a public record~~
26 ~~subject to public inspection and examination under subsection~~
27 ~~(1), the requested record shall, nevertheless, not be disposed~~
28 ~~of for a period of 30 days after the date on which a written~~
29 ~~request requesting the right to inspect, examine, or copy the~~
30 ~~record was served on or otherwise made to the custodian of the~~
31 ~~record by the person seeking access to the record. If a civil~~

1 ~~action is instituted within the 30-day period to enforce the~~
2 ~~provisions of this section with respect to the requested~~
3 ~~record, the custodian shall not dispose of the record except~~
4 ~~by order of a court of competent jurisdiction after notice to~~
5 ~~all affected parties.~~

6 ~~(d) The absence of a civil action instituted for the~~
7 ~~purpose stated in paragraph (c) will not relieve the custodian~~
8 ~~of the duty to maintain the record as a public record if the~~
9 ~~record is in fact a public record subject to public inspection~~
10 ~~and examination under subsection (1) and will not otherwise~~
11 ~~excuse or exonerate the custodian from any unauthorized or~~
12 ~~unlawful disposition of such record.~~

13 (6)~~(3)~~(a) Examination questions and answer sheets of
14 examinations administered by a governmental agency for the
15 purpose of licensure, certification, or employment are exempt
16 from the provisions of subsection (1) and s. 24(a), Art. I of
17 the State Constitution. A person who has taken such an
18 examination shall have the right to review his or her own
19 completed examination.

20 (b)1. Active criminal intelligence information and
21 active criminal investigative information are exempt from the
22 provisions of subsection (1) and s. 24(a), Art. I of the State
23 Constitution.

24 2. A request of a law enforcement agency to inspect or
25 copy a public record that is in the custody of another agency,
26 the custodian's response to the request, and any information
27 that would identify the public record that was requested by
28 the law enforcement agency or provided by the custodian are
29 exempt from the requirements of subsection (1) and s. 24(a),
30 Art. I of the State Constitution, during the period in which
31 the information constitutes criminal intelligence information

1 or criminal investigative information that is active. This
2 exemption is remedial in nature, and it is the intent of the
3 Legislature that the exemption be applied to requests for
4 information received before, on, or after the effective date
5 of this subparagraph. The law enforcement agency shall give
6 notice to the custodial agency when the criminal intelligence
7 information or criminal investigative information is no longer
8 active, so that the custodian's response to the request and
9 information that would identify the public record requested
10 are available to the public. This subparagraph is subject to
11 the Open Government Sunset Review Act of 1995 in accordance
12 with s. 119.15 and shall stand repealed October 2, 2007,
13 unless reviewed and saved from repeal through reenactment by
14 the Legislature.

15 (c) Any information revealing the identity of a
16 confidential informant or a confidential source is exempt from
17 the provisions of subsection (1) and s. 24(a), Art. I of the
18 State Constitution.

19 (d) Any information revealing surveillance techniques
20 or procedures or personnel is exempt from the provisions of
21 subsection (1) and s. 24(a), Art. I of the State Constitution.
22 Any comprehensive inventory of state and local law enforcement
23 resources compiled pursuant to part I, chapter 23, and any
24 comprehensive policies or plans compiled by a criminal justice
25 agency pertaining to the mobilization, deployment, or tactical
26 operations involved in responding to emergencies, as defined
27 in s. 252.34(3), are exempt from the provisions of subsection
28 (1) and s. 24(a), Art. I of the State Constitution and
29 unavailable for inspection, except by personnel authorized by
30 a state or local law enforcement agency, the office of the
31 Governor, the Department of Legal Affairs, the Department of

1 Law Enforcement, or the Department of Community Affairs as
2 having an official need for access to the inventory or
3 comprehensive policies or plans.

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

7 (f) Any criminal intelligence information or criminal
8 investigative information including the photograph, name,
9 address, or other fact or information which reveals the
10 identity of the victim of the crime of sexual battery as
11 defined in chapter 794; the identity of the victim of a lewd
12 or lascivious offense committed upon or in the presence of a
13 person less than 16 years of age, as defined in chapter 800;
14 or the identity of the victim of the crime of child abuse as
15 defined by chapter 827 and any criminal intelligence
16 information or criminal investigative information or other
17 criminal record, including those portions of court records and
18 court proceedings, which may reveal the identity of a person
19 who is a victim of any sexual offense, including a sexual
20 offense proscribed in chapter 794, chapter 800, or chapter
21 827, is exempt from the provisions of subsection (1) and s.
22 24(a), Art. I of the State Constitution.

23 (g) Any criminal intelligence information or criminal
24 investigative information which reveals the personal assets of
25 the victim of a crime, other than property stolen or destroyed
26 during the commission of the crime, is exempt from the
27 provisions of subsection (1) and s. 24(a), Art. I of the State
28 Constitution.

29 (h) All criminal intelligence and criminal
30 investigative information received by a criminal justice
31 agency prior to January 25, 1979, is exempt from the

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

3 (i)1. The home addresses, telephone numbers, social
4 security numbers, and photographs of active or former law
5 enforcement personnel, including correctional and correctional
6 probation officers, personnel of the Department of Children
7 and Family Services whose duties include the investigation of
8 abuse, neglect, exploitation, fraud, theft, or other criminal
9 activities, personnel of the Department of Health whose duties
10 are to support the investigation of child abuse or neglect,
11 and personnel of the Department of Revenue or local
12 governments whose responsibilities include revenue collection
13 and enforcement or child support enforcement; the home
14 addresses, telephone numbers, social security numbers,
15 photographs, and places of employment of the spouses and
16 children of such personnel; and the names and locations of
17 schools and day care facilities attended by the children of
18 such personnel are exempt from the provisions of subsection
19 (1). The home addresses, telephone numbers, and photographs of
20 firefighters certified in compliance with s. 633.35; the home
21 addresses, telephone numbers, photographs, and places of
22 employment of the spouses and children of such firefighters;
23 and the names and locations of schools and day care facilities
24 attended by the children of such firefighters are exempt from
25 subsection (1). The home addresses and telephone numbers of
26 justices of the Supreme Court, district court of appeal
27 judges, circuit court judges, and county court judges; the
28 home addresses, telephone numbers, and places of employment of
29 the spouses and children of justices and judges; and the names
30 and locations of schools and day care facilities attended by
31 the children of justices and judges are exempt from the

1 provisions of subsection (1). The home addresses, telephone
2 numbers, social security numbers, and photographs of current
3 or former state attorneys, assistant state attorneys,
4 statewide prosecutors, or assistant statewide prosecutors; the
5 home addresses, telephone numbers, social security numbers,
6 photographs, and places of employment of the spouses and
7 children of current or former state attorneys, assistant state
8 attorneys, statewide prosecutors, or assistant statewide
9 prosecutors; and the names and locations of schools and day
10 care facilities attended by the children of current or former
11 state attorneys, assistant state attorneys, statewide
12 prosecutors, or assistant statewide prosecutors are exempt
13 from subsection (1) and s. 24(a), Art. I of the State
14 Constitution.

15 2. The home addresses, telephone numbers, social
16 security numbers, and photographs of current or former human
17 resource, labor relations, or employee relations directors,
18 assistant directors, managers, or assistant managers of any
19 local government agency or water management district whose
20 duties include hiring and firing employees, labor contract
21 negotiation, administration, or other personnel-related
22 duties; the names, home addresses, telephone numbers, social
23 security numbers, photographs, and places of employment of the
24 spouses and children of such personnel; and the names and
25 locations of schools and day care facilities attended by the
26 children of such personnel are exempt from subsection (1) and
27 s. 24(a), Art. I of the State Constitution. This subparagraph
28 is subject to the Open Government Sunset Review Act of 1995 in
29 accordance with s. 119.15, and shall stand repealed on October
30 2, 2006, unless reviewed and saved from repeal through
31 reenactment by the Legislature.

1 3. The home addresses, telephone numbers, social
2 security numbers, and photographs of current or former code
3 enforcement officers; the names, home addresses, telephone
4 numbers, social security numbers, photographs, and places of
5 employment of the spouses and children of such persons; and
6 the names and locations of schools and day care facilities
7 attended by the children of such persons are exempt from
8 subsection (1) and s. 24(a), Art. I of the State Constitution.
9 This subparagraph is subject to the Open Government Sunset
10 Review Act of 1995 in accordance with s. 119.15, and shall
11 stand repealed on October 2, 2006, unless reviewed and saved
12 from repeal through reenactment by the Legislature.

13 4. An agency that is the custodian of the personal
14 information specified in subparagraph 1., subparagraph 2., or
15 subparagraph 3. and that is not the employer of the officer,
16 employee, justice, judge, or other person specified in
17 subparagraph 1., subparagraph 2., or subparagraph 3. shall
18 maintain the exempt status ~~confidentiality~~ of the personal
19 information only if the officer, employee, justice, judge,
20 other person, or employing agency of the designated employee
21 submits a written request for maintenance of the exemption
22 ~~confidentiality~~ to the custodial agency.

23 (j) Any information provided to an agency of state
24 government or to an agency of a political subdivision of the
25 state for the purpose of forming ridesharing arrangements,
26 which information reveals the identity of an individual who
27 has provided his or her name for ridesharing, as defined in s.
28 341.031, is exempt from the provisions of subsection (1) and
29 s. 24(a), Art. I of the State Constitution.

30 (k) Any information revealing the substance of a
31 confession of a person arrested is exempt from the provisions

1 of subsection (1) and s. 24(a), Art. I of the State
2 Constitution, until such time as the criminal case is finally
3 determined by adjudication, dismissal, or other final
4 disposition.

5 (1)1. A public record which was prepared by an agency
6 attorney (including an attorney employed or retained by the
7 agency or employed or retained by another public officer or
8 agency to protect or represent the interests of the agency
9 having custody of the record) or prepared at the attorney's
10 express direction, which reflects a mental impression,
11 conclusion, litigation strategy, or legal theory of the
12 attorney or the agency, and which was prepared exclusively for
13 civil or criminal litigation or for adversarial administrative
14 proceedings, or which was prepared in anticipation of imminent
15 civil or criminal litigation or imminent adversarial
16 administrative proceedings, is exempt from the provisions of
17 subsection (1) and s. 24(a), Art. I of the State Constitution
18 until the conclusion of the litigation or adversarial
19 administrative proceedings. For purposes of capital collateral
20 litigation as set forth in s. 27.7001, the Attorney General's
21 office is entitled to claim this exemption for those public
22 records prepared for direct appeal as well as for all capital
23 collateral litigation after direct appeal until execution of
24 sentence or imposition of a life sentence.

25 2. This exemption is not waived by the release of such
26 public record to another public employee or officer of the
27 same agency or any person consulted by the agency attorney.
28 When asserting the right to withhold a public record pursuant
29 to this paragraph, the agency shall identify the potential
30 parties to any such criminal or civil litigation or
31 adversarial administrative proceedings. If a court finds that

1 the document or other record has been improperly withheld
2 under this paragraph, the party seeking access to such
3 document or record shall be awarded reasonable attorney's fees
4 and costs in addition to any other remedy ordered by the
5 court.

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

13 (n) When an agency of the executive branch of state
14 government seeks to acquire real property by purchase or
15 through the exercise of the power of eminent domain all
16 appraisals, other reports relating to value, offers, and
17 counteroffers must be in writing and are exempt from the
18 provisions of subsection (1) and s. 24(a), Art. I of the State
19 Constitution until execution of a valid option contract or a
20 written offer to sell that has been conditionally accepted by
21 the agency, at which time the exemption shall expire. The
22 agency shall not finally accept the offer for a period of 30
23 days in order to allow public review of the transaction. The
24 agency may give conditional acceptance to any option or offer
25 subject only to final acceptance by the agency after the
26 30-day review period. If a valid option contract is not
27 executed, or if a written offer to sell is not conditionally
28 accepted by the agency, then the exemption from the provisions
29 of this chapter shall expire at the conclusion of the
30 condemnation litigation of the subject property. An agency of
31 the executive branch may exempt title information, including

1 names and addresses of property owners whose property is
2 subject to acquisition by purchase or through the exercise of
3 the power of eminent domain, from the provisions of subsection
4 (1) and s. 24(a), Art. I of the State Constitution to the same
5 extent as appraisals, other reports relating to value, offers,
6 and counteroffers. For the purpose of this paragraph, "option
7 contract" means an agreement of an agency of the executive
8 branch of state government to purchase real property subject
9 to final agency approval. This paragraph shall have no
10 application to other exemptions from the provisions of
11 subsection (1) which are contained in other provisions of law
12 and shall not be construed to be an express or implied repeal
13 thereof.

14 (o) Data processing software obtained by an agency
15 under a licensing agreement which prohibits its disclosure and
16 which software is a trade secret, as defined in s. 812.081,
17 and agency-produced data processing software which is
18 sensitive are exempt from the provisions of subsection (1) and
19 s. 24(a), Art. I of the State Constitution. The designation
20 of agency-produced software as sensitive shall not prohibit an
21 agency head from sharing or exchanging such software with
22 another public agency. ~~As used in this paragraph:~~

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

29 ~~2. "Sensitive" means only those portions of data~~
30 ~~processing software, including the specifications and~~
31 ~~documentation, used to:~~

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

3 ~~b. Collect, process, store, and retrieve financial~~
4 ~~management information of the agency, such as payroll and~~
5 ~~accounting records; or~~

6 ~~c. Control and direct access authorizations and~~
7 ~~security measures for automated systems.~~

8 (p) All complaints and other records in the custody of
9 any unit of local government which relate to a complaint of
10 discrimination relating to race, color, religion, sex,
11 national origin, age, handicap, marital status, sale or rental
12 of housing, the provision of brokerage services, or the
13 financing of housing are exempt from the provisions of
14 subsection (1) and s. 24(a), Art. I of the State Constitution
15 until a finding is made relating to probable cause, the
16 investigation of the complaint becomes inactive, or the
17 complaint or other record is made part of the official record
18 of any hearing or court proceeding. This provision shall not
19 affect any function or activity of the Florida Commission on
20 Human Relations. Any state or federal agency which is
21 authorized to have access to such complaints or records by any
22 provision of law shall be granted such access in the
23 furtherance of such agency's statutory duties, notwithstanding
24 the provisions of this section. This paragraph shall not be
25 construed to modify or repeal any special or local act.

26 (q) All complaints and other records in the custody of
27 any agency in the executive branch of state government which
28 relate to a complaint of discrimination relating to race,
29 color, religion, sex, national origin, age, handicap, or
30 marital status in connection with hiring practices, position
31 classifications, salary, benefits, discipline, discharge,

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

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

20 (s)1. Any document that reveals the identity, home or
21 employment telephone number, home or employment address, or
22 personal assets of the victim of a crime and identifies that
23 person as the victim of a crime, which document is received by
24 any agency that regularly receives information from or
25 concerning the victims of crime, is exempt from the provisions
26 of subsection (1) and s. 24(a), Art. I of the State
27 Constitution. Any information not otherwise held confidential
28 or exempt from the provisions of subsection (1) which reveals
29 the home or employment telephone number, home or employment
30 address, or personal assets of a person who has been the
31 victim of sexual battery, aggravated child abuse, aggravated

1 stalking, harassment, aggravated battery, or domestic violence
2 is exempt from the provisions of subsection (1) and s. 24(a),
3 Art. I of the State Constitution, upon written request by the
4 victim, which must include official verification that an
5 applicable crime has occurred. Such information shall cease
6 to be exempt 5 years after the receipt of the written request.
7 Any state or federal agency that is authorized to have access
8 to such documents by any provision of law shall be granted
9 such access in the furtherance of such agency's statutory
10 duties, notwithstanding the provisions of this section.

11 2. Any information in a videotaped statement of a
12 minor who is alleged to be or who is a victim of sexual
13 battery, lewd acts, or other sexual misconduct proscribed in
14 chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s.
15 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which
16 reveals that minor's identity, including, but not limited to,
17 the minor's face; the minor's home, school, church, or
18 employment telephone number; the minor's home, school, church,
19 or employment address; the name of the minor's school, church,
20 or place of employment; or the personal assets of the minor;
21 and which identifies that minor as the victim of a crime
22 described in this subparagraph, is confidential and exempt
23 from subsection (1) and s. 24(a), Art. I of the State
24 Constitution. Any governmental agency that is authorized to
25 have access to such statements by any provision of law shall
26 be granted such access in the furtherance of the agency's
27 statutory duties, notwithstanding the provisions of this
28 section. This subparagraph 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, 2003.

31

1 3. A public employee or officer who has access to the
2 videotaped statement of a minor who is alleged to be or who is
3 a victim of sexual battery, lewd acts, or other sexual
4 misconduct proscribed in chapter 800 or in s. 794.011, s.
5 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or
6 s. 847.0145, may not willfully and knowingly disclose
7 videotaped information that reveals that minor's identity to a
8 person who is not assisting in the investigation or
9 prosecution of the alleged offense or to any person other than
10 the defendant, the defendant's attorney, or a person specified
11 in an order entered by the court having jurisdiction of the
12 alleged offense.

13 4. A person who violates subparagraph 3. commits a
14 misdemeanor of the first degree, punishable as provided in s.
15 775.082 or s. 775.083.

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

21 (u) Where the alleged victim chooses not to file a
22 complaint and requests that records of the complaint remain
23 confidential, all records relating to an allegation of
24 employment discrimination are confidential and exempt from the
25 provisions of subsection (1) and s. 24(a), Art. I of the State
26 Constitution.

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

1 disclosed if the person to whom the information pertains or
2 the person's legal representative provides written permission
3 or pursuant to court order.

4 (w)1. If certified pursuant to subparagraph 2., an
5 investigatory record of the Chief Inspector General within the
6 Executive Office of the Governor or of the employee designated
7 by an agency head as the agency inspector general under s.
8 112.3189 is exempt from the provisions of subsection (1) and
9 s. 24(a), Art. I of the State Constitution until the
10 investigation ceases to be active, or a report detailing the
11 investigation is provided to the Governor or the agency head,
12 or 60 days from the inception of the investigation for which
13 the record was made or received, whichever first occurs.

14 Investigatory records are those records which are related to
15 the investigation of an alleged, specific act or omission or
16 other wrongdoing, with respect to an identifiable person or
17 group of persons, based on information compiled by the Chief
18 Inspector General or by an agency inspector general, as named
19 under the provisions of s. 112.3189, in the course of an
20 investigation. An investigation is active if it is continuing
21 with a reasonable, good faith anticipation of resolution and
22 with reasonable dispatch.

23 2. The Governor, in the case of the Chief Inspector
24 General, or agency head, in the case of an employee designated
25 as the agency inspector general under s. 112.3189, may certify
26 such investigatory records require an exemption to protect the
27 integrity of the investigation or avoid unwarranted damage to
28 an individual's good name or reputation. The certification
29 shall specify the nature and purpose of the investigation and
30 shall be kept with the exempt records and made public when the
31 records are made public.

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

4 (x) The social security numbers of all current and
5 former agency employees which numbers are contained in agency
6 employment records are exempt from subsection (1) and exempt
7 from s. 24(a), Art. I of the State Constitution. As used in
8 this paragraph, the term "agency" means an agency as defined
9 in s. 119.011.

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

24 (z) Any data, record, or document used directly or
25 solely by a municipally owned utility to prepare and submit a
26 bid relative to the sale, distribution, or use of any service,
27 commodity, or tangible personal property to any customer or
28 prospective customer shall be exempt from the provisions of
29 subsection (1) and s. 24(a), Art. I of the State Constitution.
30 This exemption commences when a municipal utility identifies
31 in writing a specific bid to which it intends to respond. This

1 exemption no longer applies when the contract for sale,
2 distribution, or use of the service, commodity, or tangible
3 personal property is executed, a decision is made not to
4 execute such contract, or the project is no longer under
5 active consideration. The exemption in this paragraph includes
6 the bid documents actually furnished in response to the
7 request for bids. However, the exemption for the bid documents
8 submitted no longer applies after the bids are opened by the
9 customer or prospective customer.

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

31

1 1. For use in connection with matters of motor vehicle
2 or driver safety and theft; motor vehicle emissions; motor
3 vehicle product alterations, recalls, or advisories;
4 performance monitoring of motor vehicles and dealers by motor
5 vehicle manufacturers; and removal of nonowner records from
6 the original owner records of motor vehicle manufacturers, to
7 carry out the purposes of the Automobile Information
8 Disclosure Act, the Motor Vehicle Information and Cost Saving
9 Act, the National Traffic and Motor Vehicle Safety Act of
10 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

11 2. For use by any government agency, including any
12 court or law enforcement agency, in carrying out its
13 functions, or any private person or entity acting on behalf of
14 a federal, state, or local agency in carrying out its
15 functions.

16 3. For use in connection with matters of motor vehicle
17 or driver safety and theft; motor vehicle emissions; motor
18 vehicle product alterations, recalls, or advisories;
19 performance monitoring of motor vehicles, motor vehicle parts,
20 and dealers; motor vehicle market research activities,
21 including survey research; and removal of nonowner records
22 from the original owner records of motor vehicle
23 manufacturers.

24 4. For use in the normal course of business by a
25 legitimate business or its agents, employees, or contractors,
26 but only:

27 a. To verify the accuracy of personal information
28 submitted by the individual to the business or its agents,
29 employees, or contractors; and

30 b. If such information as so submitted is not correct
31 or is no longer correct, to obtain the correct information,

1 but only for the purposes of preventing fraud by, pursuing
2 legal remedies against, or recovering on a debt or security
3 interest against, the individual.

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

7 a. Service of process by any certified process server,
8 special process server, or other person authorized to serve
9 process in this state.

10 b. Investigation in anticipation of litigation by an
11 attorney licensed to practice law in this state or the agent
12 of the attorney.

13 c. Investigation by any person in connection with any
14 filed proceeding.

15 d. Execution or enforcement of judgments and orders.

16 e. Compliance with an order of any court.

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

21 7. For use by any insurer or insurance support
22 organization, or by a self-insured entity, or its agents,
23 employees, or contractors, in connection with claims
24 investigation activities, anti-fraud activities, rating, or
25 underwriting.

26 8. For use in providing notice to the owners of towed
27 or impounded vehicles.

28 9. For use by any licensed private investigative
29 agency or licensed security service for any purpose permitted
30 under this paragraph. Personal information obtained based on
31 an exempt driver's record may not be provided to a client who

1 cannot demonstrate a need based on a police report, court
2 order, or a business or personal relationship with the subject
3 of the investigation.

4 10. For use by an employer or its agent or insurer to
5 obtain or verify information relating to a holder of a
6 commercial driver's license that is required under the
7 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.
8 2710 et seq.

9 11. For use in connection with the operation of
10 private toll transportation facilities.

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

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

16 b. The information will be used, rented, or sold
17 solely for bulk distribution for survey, marketing, and
18 solicitations, and that surveys, marketing, and solicitations
19 will not be directed at those individuals who have timely
20 requested that they not be directed at them.

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

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

27

28 Personal information exempted from public disclosure according
29 to this paragraph may be disclosed by the Department of
30 Highway Safety and Motor Vehicles to an individual, firm,
31 corporation, or similar business entity whose primary business

1 interest is to resell or redisclose the personal information
2 to persons who are authorized to receive such information.
3 Prior to the department's disclosure of personal information,
4 such individual, firm, corporation, or similar business entity
5 must first enter into a contract with the department regarding
6 the care, custody, and control of the personal information to
7 ensure compliance with the federal Driver's Privacy Protection
8 Act of 1994 and applicable state laws. An authorized recipient
9 of personal information contained in a motor vehicle record,
10 except a recipient under subparagraph 12., may contract with
11 the Department of Highway Safety and Motor Vehicles to resell
12 or redisclose the information for any use permitted under this
13 paragraph. However, only authorized recipients of personal
14 information under subparagraph 12. may resell or redisclose
15 personal information pursuant to subparagraph 12. Any
16 authorized recipient who resells or rediscloses personal
17 information shall maintain, for a period of 5 years, records
18 identifying each person or entity that receives the personal
19 information and the permitted purpose for which it will be
20 used. Such records shall be made available for inspection upon
21 request by the department. The department shall adopt rules to
22 carry out the purposes of this paragraph and the federal
23 Driver's Privacy Protection Act of 1994, Title XXX, Pub. L.
24 No. 103-322. Rules adopted by the department shall provide for
25 the payment of applicable fees and, prior to the disclosure of
26 personal information pursuant to this paragraph, shall require
27 the meeting of conditions by the requesting person for the
28 purposes of obtaining reasonable assurance concerning the
29 identity of such requesting person, and, to the extent
30 required, assurance that the use will be only as authorized or
31 that the consent of the person who is the subject of the

1 personal information has been obtained. Such conditions may
2 include, but need not be limited to, the making and filing of
3 a written application in such form and containing such
4 information and certification requirements as the department
5 requires.

6 (bb)1. Medical history records, bank account numbers,
7 credit card numbers, telephone numbers, and information
8 related to health or property insurance furnished by an
9 individual to any agency pursuant to federal, state, or local
10 housing assistance programs are confidential and exempt from
11 the provisions of subsection (1) and s. 24(a), Art. I of the
12 State Constitution. Any other information produced or received
13 by any private or public entity in direct connection with
14 federal, state, or local housing assistance programs, unless
15 the subject of another federal or state exemption, is subject
16 to subsection (1).

17 2. Governmental agencies or their agents are entitled
18 to access to the records specified in this paragraph for the
19 purposes of auditing federal, state, or local housing programs
20 or housing assistance programs. Such records may be used by an
21 agency, as needed, in any administrative or judicial
22 proceeding, provided such records are kept confidential and
23 exempt, unless otherwise ordered by a court.

24 3. This paragraph is repealed effective October 2,
25 2003, and must be reviewed by the Legislature before that date
26 in accordance with s. 119.15, the Open Government Sunset
27 Review Act of 1995.

28 (cc) All personal identifying information; bank
29 account numbers; and debit, charge, and credit card numbers
30 contained in records relating to an individual's personal
31 health or eligibility for health-related services made or

1 received by the Department of Health or its service providers
2 are confidential and exempt from the provisions of subsection
3 (1) and s. 24(a), Art. I of the State Constitution, except as
4 otherwise provided in this paragraph. Information made
5 confidential and exempt by this paragraph shall be disclosed:

6 1. With the express written consent of the individual
7 or the individual's legally authorized representative.

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

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

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

29

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

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

3 (dd) Bank account numbers and debit, charge, and
4 credit card numbers held by an agency are exempt from
5 subsection (1) and s. 24(a), Art. I of the State Constitution.
6 This exemption applies to bank account numbers and debit,
7 charge, and credit card numbers held by an agency before, on,
8 or after the effective date of this exemption. This paragraph
9 is subject to the Open Government Sunset Review Act of 1995 in
10 accordance with s. 119.15, and shall stand repealed on October
11 2, 2007, unless reviewed and saved from repeal through
12 reenactment by the Legislature.

13 (ee) Building plans, blueprints, schematic drawings,
14 and 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 as defined in s.
18 119.011 are exempt from the provisions of subsection (1) and
19 s. 24(a), Art. I of the State Constitution. This exemption
20 applies to building plans, blueprints, schematic drawings, and
21 diagrams, including draft, preliminary, and final formats,
22 which depict the internal layout and structural elements of a
23 building, arena, stadium, water treatment facility, or other
24 structure owned or operated by an agency before, on, or after
25 the effective date of this act. Information made exempt by
26 this paragraph may be disclosed to another governmental entity
27 if disclosure is necessary for the receiving entity to perform
28 its duties and responsibilities; to a licensed architect,
29 engineer, or contractor who is performing work on or related
30 to the building, arena, stadium, water treatment facility, or
31 other structure owned or operated by an agency; or upon a

1 showing of good cause before a court of competent
2 jurisdiction. The entities or persons receiving such
3 information shall maintain the exempt status of the
4 information. This paragraph is subject to the Open Government
5 Sunset Review Act of 1995 in accordance with s. 119.15, and
6 shall stand repealed on October 2, 2007, unless reviewed and
7 reenacted by the Legislature.

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

29 2. Any person who prepares or files a document to be
30 recorded in the official records by the county recorder as
31 provided in chapter 28 may not include a person's social

1 security number or complete bank account, debit, charge, or
2 credit card number in that document unless otherwise expressly
3 required by law. Until January 1, 2006, if a social security
4 number or a complete bank account, debit, charge or credit
5 card number is or has been included in a document presented to
6 the county recorder for recording in the official records of
7 the county, such number may be made available as part of the
8 official record available for public inspection and copying.
9 Any person, or his or her attorney or legal guardian, may
10 request that a county recorder remove from an image or copy of
11 an official record placed on a county recorder's publicly
12 available Internet website, or a publicly available Internet
13 website used by a county recorder to display public records
14 outside the office or otherwise made electronically available
15 outside the county recorder's office to the general public,
16 his or her social security number or complete bank account,
17 debit, charge, or credit card number contained in that
18 official record. Such request must be legibly written, signed
19 by the requester, and delivered by mail, facsimile, electronic
20 transmission, or in person to the county recorder. The request
21 must specify the identification page number of the document
22 that contains the number to be redacted. The county recorder
23 does not have a duty to inquire beyond the written request to
24 verify the identity of a person requesting redaction. A fee
25 may not be charged for redacting such numbers.

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

30 4. On January 1, 2006, and thereafter, the clerk of
31 the circuit court and the county recorder must keep complete

1 bank account, debit, charge, and credit card numbers exempt as
2 provided for in paragraph (dd)~~s. 119.07(3)(ee)~~, and must keep
3 social security numbers confidential and exempt as provided
4 for in s. 119.0721 ~~s. 119.072~~, without any person having to
5 request redaction.

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

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

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

21 ~~(8)(6)~~ Nothing in subsection~~(6)(3)~~or any other
22 general or special law shall limit the access of the Auditor
23 General, the Office of Program Policy Analysis and Government
24 Accountability, or any state, county, municipal, university,
25 board of community college, school district, or special
26 district internal auditor to public records when such person
27 states in writing that such records are needed for a properly
28 authorized audit, examination, or investigation. Such person
29 shall maintain the exempt or confidential status
30 confidentiality of a any public record records that is exempt
31 or are confidential or exempt from the provisions of

1 subsection (1), and shall be subject to the same penalties as
2 the custodian ~~custodians of that record~~ those public records
3 for public disclosure of such record ~~violating~~
4 ~~confidentiality.~~

5 ~~(7)(a) Any person or organization, including the~~
6 ~~Department of Children and Family Services, may petition the~~
7 ~~court for an order making public the records of the Department~~
8 ~~of Children and Family Services that pertain to investigations~~
9 ~~of alleged abuse, neglect, abandonment, or exploitation of a~~
10 ~~child or a vulnerable adult. The court shall determine if good~~
11 ~~cause exists for public access to the records sought or a~~
12 ~~portion thereof. In making this determination, the court shall~~
13 ~~balance the best interest of the vulnerable adult or child who~~
14 ~~is the focus of the investigation, and in the case of the~~
15 ~~child, the interest of that child's siblings, together with~~
16 ~~the privacy right of other persons identified in the reports~~
17 ~~against the public interest. The public interest in access to~~
18 ~~such records is reflected in s. 119.01(1), and includes the~~
19 ~~need for citizens to know of and adequately evaluate the~~
20 ~~actions of the Department of Children and Family Services and~~
21 ~~the court system in providing vulnerable adults and children~~
22 ~~of this state with the protections enumerated in ss. 39.001~~
23 ~~and 415.101. However, this subsection does not contravene ss.~~
24 ~~39.202 and 415.107, which protect the name of any person~~
25 ~~reporting the abuse, neglect, or exploitation of a child or a~~
26 ~~vulnerable adult.~~

27 ~~(b) In cases involving serious bodily injury to a~~
28 ~~child or a vulnerable adult, the Department of Children and~~
29 ~~Family Services may petition the court for an order for the~~
30 ~~immediate public release of records of the department which~~
31 ~~pertain to the protective investigation. The petition must be~~

1 ~~personally served upon the child or vulnerable adult, the~~
2 ~~child's parents or guardian, the legal guardian of that~~
3 ~~person, if any, and any person named as an alleged perpetrator~~
4 ~~in the report of abuse, neglect, abandonment, or exploitation.~~
5 ~~The court must determine if good cause exists for the public~~
6 ~~release of the records sought no later than 24 hours,~~
7 ~~excluding Saturdays, Sundays, and legal holidays, after the~~
8 ~~date the department filed the petition with the court. If the~~
9 ~~court has neither granted nor denied the petition within the~~
10 ~~24-hour time period, the department may release to the public~~
11 ~~summary information including:~~
12 ~~1. A confirmation that an investigation has been~~
13 ~~conducted concerning the alleged victim.~~
14 ~~2. The dates and brief description of procedural~~
15 ~~activities undertaken during the department's investigation.~~
16 ~~3. The date of each judicial proceeding, a summary of~~
17 ~~each participant's recommendations made at the judicial~~
18 ~~proceedings, and the rulings of the court.~~
19
20 ~~The summary information may not include the name of, or other~~
21 ~~identifying information with respect to, any person identified~~
22 ~~in any investigation. In making a determination to release~~
23 ~~confidential information, the court shall balance the best~~
24 ~~interests of the vulnerable adult or child who is the focus of~~
25 ~~the investigation and, in the case of the child, the interests~~
26 ~~of that child's siblings, together with the privacy rights of~~
27 ~~other persons identified in the reports against the public~~
28 ~~interest for access to public records. However, this paragraph~~
29 ~~does not contravene ss. 39.202 and 415.107, which protect the~~
30 ~~name of any person reporting abuse, neglect, or exploitation~~
31 ~~of a child or a vulnerable adult.~~

1 ~~(c) When the court determines that good cause for~~
2 ~~public access exists, the court shall direct that the~~
3 ~~department redact the name of and other identifying~~
4 ~~information with respect to any person identified in any~~
5 ~~protective investigation report until such time as the court~~
6 ~~finds that there is probable cause to believe that the person~~
7 ~~identified committed an act of alleged abuse, neglect, or~~
8 ~~abandonment.~~

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

16 Section 9. Section 119.08, Florida Statutes, is
17 repealed.

18 Section 10. Section 119.084, Florida Statutes, is
19 amended to read:

20 119.084 Definitions; copyright of data processing
21 software created by governmental agencies; sale price and
22 licensing fee; ~~access to public records; prohibited~~
23 ~~contracts.--~~

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

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

28 ~~(b) "Data processing software" means the programs and~~
29 ~~routines used to employ and control the capabilities of data~~
30 ~~processing hardware, including, but not limited to, operating~~
31 ~~systems, compilers, assemblers, utilities, library routines,~~

1 ~~maintenance routines, applications, and computer networking~~
2 ~~programs.~~

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

5 (2) Any agency is authorized to acquire and hold
6 copyrights for data processing software created by the agency
7 and to enforce its rights pertaining to such copyrights,
8 provided that the agency complies with the requirements of
9 this section.

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

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

31

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

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

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

24 ~~(6) An agency may not enter into a contract for the~~
25 ~~creation or maintenance of a public records database if that~~
26 ~~contract impairs the ability of the public to inspect or copy~~
27 ~~the public records of that agency, including public records~~
28 ~~that are on-line or stored in an electronic recordkeeping~~
29 ~~system used by the agency. Such contract may not allow any~~
30 ~~impediment that as a practical matter makes it more difficult~~
31 ~~for the public to inspect or copy the records than to inspect~~

1 ~~or copy the agency's records. The fees and costs for the~~
2 ~~production of such records may not be more than the fees or~~
3 ~~costs charged by the agency.~~

4 (3)~~(7)~~ This section is subject to the Open Government
5 Sunset Review Act of 1995 in accordance with s. 119.15 and
6 shall stand repealed on October 2, 2006, unless reviewed and
7 saved from repeal through reenactment by the Legislature.

8 Section 11. Sections 119.085 and 119.09, Florida
9 Statutes, are repealed.

10 Section 12. Section 119.10, Florida Statutes, is
11 amended to read:

12 119.10 Violation of chapter; penalties.--

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

16 (2) Any person who willfully and knowingly violates:
17 violating

18 (a) Any of the provisions of this chapter commits is
19 guilty of a misdemeanor of the first degree, punishable as
20 provided in s. 775.082 or s. 775.083.

21 (b)~~(3)~~ Section ~~Any person who willfully and knowingly~~
22 ~~violates s.119.105~~ commits a felony of the third degree,
23 punishable as provided in s. 775.082, s. 775.083, or s.
24 775.084.

25 Section 13. Section 119.105, Florida Statutes, is
26 amended to read:

27 119.105 Protection of victims of crimes or
28 accidents.--Police reports are public records except as
29 otherwise made exempt or confidential ~~by general or special~~
30 ~~law~~. Every person is allowed to examine nonexempt or
31 nonconfidential police reports. No person who inspects or

1 copies police reports for the purpose of obtaining the names
2 and addresses of the victims of crimes or accidents shall use
3 any information contained therein for any commercial
4 solicitation of the victims or relatives of the victims of the
5 reported crimes or accidents. Nothing herein shall prohibit
6 the publication of such information by any news media or the
7 use of such information for any other data collection or
8 analysis purposes.

9 Section 14. Paragraph (a) of subsection (1) of section
10 120.55, Florida Statutes, is amended to read:

11 120.55 Publication.--

12 (1) The Department of State shall:

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

29 2. Rules general in form but applicable to only one
30 school district, community college district, or county, or a
31 part thereof, or state university rules relating to internal

1 personnel or business and finance shall not be published in
2 the Florida Administrative Code. Exclusion from publication in
3 the Florida Administrative Code shall not affect the validity
4 or effectiveness of such rules.

5 3. At the beginning of the section of the code dealing
6 with an agency that files copies of its rules with the
7 department, the department shall publish the address and
8 telephone number of the executive offices of each agency, the
9 manner by which the agency indexes its rules, a listing of all
10 rules of that agency excluded from publication in the code,
11 and a statement as to where those rules may be inspected.

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

23 Section 15. Paragraph (b) of subsection (2) of section
24 257.36, Florida Statutes, is amended to read:

25 257.36 Records and information management.--

26 (2)

27 (b) Title to any record detained in any records center
28 shall remain in the agency transferring such record to the
29 division. When the Legislature transfers any duty or
30 responsibility of an agency to another agency, the receiving
31 agency shall be the custodian of public records with regard to

1 the public records associated with that transferred duty or
2 responsibility, and shall be responsible for the records
3 storage service charges of the division. If an agency is
4 dissolved and the legislation dissolving that agency does not
5 assign an existing agency as the custodian of public records
6 for the dissolved agency's records, then the Cabinet is the
7 custodian of public records for the dissolved agency, unless
8 the Cabinet otherwise designates a custodian. The Cabinet or
9 the agency designated by the Cabinet shall be responsible for
10 the records storage service charges of the division.

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

13 328.15 Notice of lien on vessel; recording.--

14 (5) The Department of Highway Safety and Motor
15 Vehicles shall make such rules and regulations as it deems
16 necessary or proper for the effective administration of this
17 law. The department may by rule require that a notice of
18 satisfaction of a lien be notarized. The department shall
19 prepare the forms of the notice of lien and the satisfaction
20 of lien to be supplied, at a charge not to exceed 50 percent
21 more than cost, to applicants for recording the liens or
22 satisfactions and shall keep a ~~permanent~~ record of such
23 notices of lien and satisfactions available for inspection by
24 the public at all reasonable times. The division is authorized
25 to furnish certified copies of such satisfactions for a fee of
26 \$1, which certified copies shall be admissible in evidence in
27 all courts of this state under the same conditions and to the
28 same effect as certified copies of other public records.

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

31

1 372.5717 Hunter safety course; requirements;
2 penalty.--

3 (4) The commission shall issue a permanent hunter
4 safety certification card to each person who successfully
5 completes the hunter safety course. The commission shall
6 maintain ~~permanent~~ records of hunter safety certification
7 cards issued and shall establish procedures for replacing lost
8 or destroyed cards.

9 Section 18. Section 415.1071, Florida Statutes, is
10 created to read:

11 415.1071 Release of confidential information.--

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

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

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

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

20 (c) The date of each judicial proceeding, a summary of
21 each participant's recommendations made at the judicial
22 proceeding, and the ruling of the court.

23
24 The summary information may not include the name of, or other
25 identifying information with respect to, any person identified
26 in any investigation. In making a determination to release
27 confidential information, the court shall balance the best
28 interests of the vulnerable adult who is the focus of the
29 investigation together with the privacy rights of other
30 persons identified in the reports against the public interest
31 for access to public records. However, this paragraph does not

1 contravene s. 415.107, which protects the name of any person
2 reporting abuse, neglect, or exploitation of a vulnerable
3 adult.

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

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

14 560.121 Records; limited restrictions upon public
15 access.--

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

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

27 560.123 Florida control of money laundering in the
28 Money Transmitters' Code; reports of transactions involving
29 currency or monetary instruments; when required; purpose;
30 definitions; penalties; corpus delicti.--

31

1 (6) The department must retain a copy of all reports
2 received under subsection (5) for a minimum of 3 5 calendar
3 years after receipt of the report. However, if a report or
4 information contained in a report is known by the department
5 to be the subject of an existing criminal proceeding, the
6 report must be retained for a minimum of 10 calendar years
7 from the date of receipt.

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

10 560.129 Confidentiality.--

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

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

22 624.311 Records; reproductions; destruction.--

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

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

3 624.312 Reproductions and certified copies of records
4 as evidence.--

5 (1) Photographs or microphotographs in the form of
6 film or prints, or other reproductions from an electronic
7 recordkeeping system, of documents and records made under s.
8 624.311(3), or made under former s. 624.311(3) before October
9 1, 1982, shall have the same force and effect as the originals
10 thereof and shall be treated as originals for the purpose of
11 their admissibility in evidence. Duly certified or
12 authenticated reproductions of such photographs or
13 microphotographs or reproductions from an electronic
14 recordkeeping system shall be as admissible in evidence as the
15 originals.

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

18 633.527 Records concerning applicant; extent of
19 confidentiality.--

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

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

25 655.50 Florida Control of Money Laundering in
26 Financial Institutions Act; reports of transactions involving
27 currency or monetary instruments; when required; purpose;
28 definitions; penalties.--

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

1 ~~report or information contained in a report is known by the~~
2 ~~department to be the subject of an existing criminal~~
3 ~~proceeding, the report shall be retained for a minimum of 10~~
4 ~~calendar years after receipt of the report.~~

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

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

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

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

28 945.25 Records.--

29 (1) It shall be the duty of the Department of
30 Corrections to obtain and place in its permanent records
31 information as complete as practicable ~~may be practicably~~

1 ~~available~~ on every person who may be sentenced to supervision
2 or incarceration under the jurisdiction of the department
3 ~~become subject to parole~~. Such information shall be obtained
4 as soon as possible after imposition of sentence and shall, in
5 the discretion of the department, include, among other things:

6 (a) A copy of the indictment or information and a
7 complete statement of the facts of the crime for which such
8 person has been sentenced.

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

10 (c) The terms of the sentence.

11 (d) The name of the presiding judge, the prosecuting
12 officers, the investigating officers, and the attorneys for
13 the person convicted.

14 (e) A copy of all probation reports which may have
15 been made.

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

18 ~~(2) The department, in its discretion, shall also~~
19 ~~obtain and place in its permanent records such information on~~
20 ~~every person who may be placed on probation, and on every~~
21 ~~person who may become subject to pardon and commutation of~~
22 ~~sentence.~~

23 (2)~~(3)~~ It shall be the duty of the court and its
24 prosecuting officials to furnish to the department upon its
25 request such information and also to furnish such copies of
26 such minutes and other records as may be in their possession
27 or under their control.

28 (3)~~(4)~~ Following the initial hearing provided for in
29 s. 947.172(1), the commission shall prepare and the department
30 shall include in the official record a copy of the
31 seriousness-of-offense and favorable-parole-outcome scores and

1 shall include a listing of the specific factors and
2 information used in establishing a presumptive parole release
3 date for the inmate.

4 Section 27. Paragraph (e) of subsection (4) of section
5 985.31, Florida Statutes, is amended to read:

6 985.31 Serious or habitual juvenile offender.--

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

8 (e) The results of any serologic blood or urine test
9 on a serious or habitual juvenile offender shall become a part
10 of that child's ~~permanent~~ medical file. Upon transfer of the
11 child to any other designated treatment facility, such file
12 shall be transferred in an envelope marked confidential. The
13 results of any test designed to identify the human
14 immunodeficiency virus, or its antigen or antibody, shall be
15 accessible only to persons designated by rule of the
16 department. The provisions of such rule shall be consistent
17 with the guidelines established by the Centers for Disease
18 Control and Prevention.

19 Section 28. Paragraph (d) of subsection (6) of section
20 212.095, Florida Statutes, is repealed.

21 Section 29. Subsection (9) of section 238.03, Florida
22 Statutes, is repealed.

23 Section 30. Paragraph (a) of subsection (5) of section
24 15.09, Florida Statutes, is amended to read:

25 15.09 Fees.--

26 (5)(a) There is created within the Department of State
27 a Public Access Data Systems Trust Fund, which shall be used
28 by the department to purchase information systems and
29 equipment that provide greater public accessibility to the
30 information and records maintained by it. Notwithstanding any
31 other provision of law, the Divisions of Licensing, Elections,

1 and Corporations of the department shall transfer each fiscal
2 year to the Public Access Data Systems Trust Fund from their
3 respective trust funds:

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

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

9 Section 31. Paragraph (f) of subsection (1) of section
10 23.22, Florida Statutes, is amended to read:

11 23.22 Paperwork reduction; activities of
12 departments.--

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

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

27 Section 32. Paragraph (d) of subsection (1) of section
28 101.5607, Florida Statutes, is amended to read:

29 101.5607 Department of State to maintain voting system
30 information; prepare software.--

31 (1)

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

3 Section 33. Paragraph (b) of subsection (2) of section
4 112.533, Florida Statutes, is amended to read:

5 112.533 Receipt and processing of complaints.--

6 (2)

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

15 Section 34. Paragraph (e) of subsection (2) of section
16 1012.31, Florida Statutes, is amended to read:

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

20 (2)

21 (e) Upon request, an employee, or any person
22 designated in writing by the employee, shall be permitted to
23 examine the personnel file of such employee. The employee
24 shall be permitted conveniently to reproduce any materials in
25 the file, at a cost no greater than the fees prescribed in s.
26 119.07~~(4)~~(1).

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

29 257.34 Florida International Archive and Repository.--

30 (1) There is created within the Division of Library
31 and Information Services of the Department of State the

1 Florida International Archive and Repository for the
2 preservation of those public records, as defined in s.
3 119.011(11)~~(1)~~, manuscripts, international judgments involving
4 disputes between domestic and foreign businesses, and all
5 other public matters that the department or the Florida
6 Council of International Development deems relevant to
7 international issues. It is the duty and responsibility of the
8 division to:

9 (a) Organize and administer the Florida International
10 Archive and Repository.

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

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

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

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

27 (f) Conduct, promote, and encourage research in
28 international trade, government, and culture and maintain a
29 program of information, assistance, coordination, and guidance
30 for public officials, educational institutions, libraries, the
31

1 scholarly community, and the general public engaged in such
2 research.

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

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

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

12 257.35 Florida State Archives.--

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

22 (a) Organize and administer the Florida State
23 Archives.

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

1 confidential or prohibited from inspection by the public shall
2 be made accessible only after a period of 50 years from the
3 date of the creation of the record. Any nonpublic manuscript
4 or other archival material which is placed in the keeping of
5 the division under special terms and conditions, shall be made
6 accessible only in accordance with such law terms and
7 conditions and shall be exempt from the provisions of s.
8 119.07(1) to the extent necessary to meet the terms and
9 conditions for a nonpublic manuscript or other archival
10 material.

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

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

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

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

29 (g) Cooperate with and, insofar as practicable, assist
30 agencies, libraries, institutions, and individuals in projects
31 designed to preserve original source materials relating to

1 Florida history, government, and culture and prepare and
2 publish handbooks, guides, indexes, and other literature
3 directed toward encouraging the preservation and use of the
4 state's documentary resources.

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

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

11 Section 37. Section 282.21, Florida Statutes, is
12 amended to read:

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

21 Section 38. Paragraph (h) of subsection (2) of section
22 287.0943, Florida Statutes, is amended to read:

23 287.0943 Certification of minority business
24 enterprises.--

25 (2)

26 (h) The certification procedures should allow an
27 applicant seeking certification to designate on the
28 application form the information the applicant considers to be
29 proprietary, confidential business information. As used in
30 this paragraph, "proprietary, confidential business
31 information" includes, but is not limited to, any information

1 that would be exempt from public inspection pursuant to the
2 provisions of s. 119.07(6)~~(3)~~; trade secrets; internal
3 auditing controls and reports; contract costs; or other
4 information the disclosure of which would injure the affected
5 party in the marketplace or otherwise violate s. 286.041. The
6 executor in receipt of the application shall issue written and
7 final notice of any information for which noninspection is
8 requested but not provided for by law.

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

11 320.05 Records of the department; inspection
12 procedure; lists and searches; fees.--

13 (1) Except as provided in ss. 119.07(6)~~(3)~~and
14 320.025(3), the department may release records as provided in
15 this section.

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

18 322.20 Records of the department; fees; destruction of
19 records.--

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

22 Section 41. Paragraph (b) of subsection (2) of section
23 338.223, Florida Statutes, is amended to read:

24 338.223 Proposed turnpike projects.--

25 (2)

26 (b) In accordance with the legislative intent
27 expressed in s. 337.273, and after the requirements of
28 paragraph (1)(c) have been met, the department may acquire
29 lands and property before making a final determination of the
30 economic feasibility of a project. The requirements of
31 paragraph (1)(c) do not apply to hardship and protective

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

25 Section 42. Paragraph (a) of subsection (1) of section
26 378.406, Florida Statutes, is amended to read:

27 378.406 Confidentiality of records; availability of
28 information.--

29 (1)(a) Any information relating to prospecting, rock
30 grades, or secret processes or methods of operation which may
31 be required, ascertained, or discovered by inspection or

1 investigation shall be exempt from the provisions of s.
2 119.07(1), shall not be disclosed in public hearings, and
3 shall be kept confidential by any member, officer, or employee
4 of the department, if the applicant requests the department to
5 keep such information confidential and informs the department
6 of the basis for such confidentiality. Should the secretary
7 determine that such information requested to be kept
8 confidential shall not be kept confidential, the secretary
9 shall provide the operator with not less than 30 days' notice
10 of his or her intent to release the information. When making
11 his or her determination, the secretary shall consider the
12 public purposes specified in s. 119.15(4)(b) ~~119.14(4)(b)~~.

13 Section 43. Paragraph (c) of subsection (1) of section
14 400.0077, Florida Statutes, is amended to read:

15 400.0077 Confidentiality.--

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

18 (c) Any other information about a complaint, including
19 any problem identified by an ombudsman council as a result of
20 an investigation, unless an ombudsman council determines that
21 the information does not meet any of the criteria specified in
22 s. 119.15(4)(b) ~~119.14(4)(b)~~; ~~or~~ unless the information is to
23 collect data for submission to those entities specified in s.
24 712(c) of the federal Older Americans Act for the purpose of
25 identifying and resolving significant problems.

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

28 401.27 Personnel; standards and certification.--

29 (5) The certification examination must be offered
30 monthly. The department shall issue an examination admission
31 notice to the applicant advising him or her of the time and

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

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

17 403.111 Confidential records.--

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

1 basis for the claim of confidentiality. The department shall,
2 subject to notice and opportunity for hearing, determine
3 whether the information requested to be kept confidential
4 should or should not be kept confidential. The department
5 shall determine whether the information submitted should be
6 kept confidential pursuant to the public purpose test as
7 stated in s. 119.15(4)(b)3.~~119.14(4)(b)3.~~

8 Section 46. Section 409.2577, Florida Statutes, is
9 amended to read:

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

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

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

30 455.219 Fees; receipts; disposition; periodic
31 management reports.--

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

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

9 456.025 Fees; receipts; disposition.--

10 (11) The department or the appropriate board shall
11 charge a fee not to exceed \$25 for the certification of a
12 public record. The fee shall be determined by rule of the
13 department. The department or the appropriate board shall
14 assess a fee for duplicating a public record as provided in s.
15 119.07(4)~~(1)(a) and (b)~~.

16 Section 49. Paragraph (1) of subsection (3) of section
17 627.311, Florida Statutes, is amended to read:

18 627.311 Joint underwriters and joint reinsurers.--

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

1 to the provisions of chapter 120. If adopted, the plan and
2 the association created under the plan:

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

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

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

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

28 d. Matters reasonably encompassed in privileged
29 attorney-client communications.

30
31

1 e. Proprietary information licensed to the association
2 under contract when the contract provides for the
3 confidentiality of such proprietary information.

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

11 g. All records relative to an employee's participation
12 in an employee assistance program designed to assist any
13 employee who has a behavioral or medical disorder, substance
14 abuse problem, or emotional difficulty which affects the
15 employee's job performance, except as otherwise provided in s.
16 112.0455(11).

17 h. Information relating to negotiations for financing,
18 reinsurance, depopulation, or contractual services, until the
19 conclusion of the negotiations.

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

25
26 When an authorized insurer is considering underwriting a risk
27 insured by the association, relevant underwriting files and
28 confidential claims files may be released to the insurer
29 provided the insurer agrees in writing, notarized and under
30 oath, to maintain the confidentiality of such files. When a
31 file is transferred to an insurer, that file is no longer a

1 public record because it is not held by an agency subject to
2 the provisions of the public records law. The association may
3 make the following information obtained from underwriting
4 files and confidential claims files available to licensed
5 general lines insurance agents: name, address, and telephone
6 number of the automobile owner or insured; location of the
7 risk; rating information; loss history; and policy type. The
8 receiving licensed general lines insurance agent must retain
9 the confidentiality of the information received.

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

28
29 This paragraph is subject to the Open Government Sunset Review
30 Act of 1995 in accordance with s. 119.15, and shall stand
31

1 repealed on October 2, 2003, unless reviewed and saved from
2 repeal through reenactment by the Legislature.

3 Section 50. Paragraph (n) of subsection (6) of section
4 627.351, Florida Statutes, is amended to read:

5 627.351 Insurance risk apportionment plans.--

6 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

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

10 a. Underwriting files, except that a policyholder or
11 an applicant shall have access to his or her own underwriting
12 files.

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

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

29 d. Matters reasonably encompassed in privileged
30 attorney-client communications.

31

1 e. Proprietary information licensed to the corporation
2 under contract and the contract provides for the
3 confidentiality of such proprietary information.

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

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

19 h. Information relating to negotiations for financing,
20 reinsurance, depopulation, or contractual services, until the
21 conclusion of the negotiations.

22 i. Minutes of closed meetings regarding underwriting
23 files, and minutes of closed meetings regarding an open claims
24 file until termination of all litigation and settlement of all
25 claims with regard to that claim, except that information
26 otherwise confidential or exempt by law will be redacted.

27
28 When an authorized insurer is considering underwriting a risk
29 insured by the corporation, relevant underwriting files and
30 confidential claims files may be released to the insurer
31 provided the insurer agrees in writing, notarized and under

1 oath, to maintain the confidentiality of such files. When a
2 file is transferred to an insurer that file is no longer a
3 public record because it is not held by an agency subject to
4 the provisions of the public records law. Underwriting files
5 and confidential claims files may also be released to staff of
6 and the board of governors of the market assistance plan
7 established pursuant to s. 627.3515, who must retain the
8 confidentiality of such files, except such files may be
9 released to authorized insurers that are considering assuming
10 the risks to which the files apply, provided the insurer
11 agrees in writing, notarized and under oath, to maintain the
12 confidentiality of such files. Finally, the corporation or
13 the board or staff of the market assistance plan may make the
14 following information obtained from underwriting files and
15 confidential claims files available to licensed general lines
16 insurance agents: name, address, and telephone number of the
17 residential property owner or insured; location of the risk;
18 rating information; loss history; and policy type. The
19 receiving licensed general lines insurance agent must retain
20 the confidentiality of the information received.

21 2. Portions of meetings of the corporation are exempt
22 from the provisions of s. 286.011 and s. 24(b), Art. I of the
23 State Constitution wherein confidential underwriting files or
24 confidential open claims files are discussed. All portions of
25 corporation meetings which are closed to the public shall be
26 recorded by a court reporter. The court reporter shall record
27 the times of commencement and termination of the meeting, all
28 discussion and proceedings, the names of all persons present
29 at any time, and the names of all persons speaking. No
30 portion of any closed meeting shall be off the record.
31 Subject to the provisions hereof and s.

1 119.07(1)(b)-(d)~~(2)(a)~~, the court reporter's notes of any
2 closed meeting shall be retained by the corporation for a
3 minimum of 5 years. A copy of the transcript, less any exempt
4 matters, of any closed meeting wherein claims are discussed
5 shall become public as to individual claims after settlement
6 of the claim.

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

9 633.527 Records concerning applicant; extent of
10 confidentiality.--

11 (1) Test material is made confidential by s.
12 119.07(6)~~(3)~~(a). An applicant may waive in writing the
13 confidentiality of his or her examination answer sheet for the
14 purpose of discussion with the State Fire Marshal or his or
15 her staff.

16 Section 52. Paragraph (m) of subsection (2) of section
17 668.50, Florida Statutes, is amended to read:

18 668.50 Uniform Electronic Transaction Act.--

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

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

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

26 794.024 Unlawful to disclose identifying
27 information.--

28 (1) A public employee or officer who has access to the
29 photograph, name, or address of a person who is alleged to be
30 the victim of an offense described in this chapter, chapter
31 800, s. 827.03, s. 827.04, or s. 827.071 may not willfully and

1 knowingly disclose it to a person who is not assisting in the
2 investigation or prosecution of the alleged offense or to any
3 person other than the defendant, the defendant's attorney, a
4 person specified in an order entered by the court having
5 jurisdiction of the alleged offense, or organizations
6 authorized to receive such information made exempt by s.
7 119.07(6)~~(3)~~(f), or to a rape crisis center or sexual assault
8 counselor, as defined in s. 90.5035(1)(b), who will be
9 offering services to the victim.

10 Section 54. For the purpose of incorporating the
11 amendments to section 945.25, Florida Statutes, in a reference
12 thereto, paragraph (a) of subsection (2) of section 947.13,
13 Florida Statutes, is reenacted to read:

14 947.13 Powers and duties of commission.--

15 (2)(a) The commission shall immediately examine
16 records of the department under s. 945.25, and any other
17 records which it obtains, and may make such other
18 investigations as may be necessary.

19 Section 55. Section 430.015, Florida Statutes, is
20 repealed.

21 Section 56. Section 440.132, Florida Statutes, is
22 amended to read:

23 440.132 Investigatory records relating to workers'
24 compensation managed care arrangements; confidentiality.--

25 ~~(1)~~ All investigatory records of the Agency for Health
26 Care Administration made or received pursuant to s. 440.134
27 and any examination records necessary to complete an
28 investigation are confidential and exempt from the provisions
29 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
30 until the investigation is completed or ceases to be active,
31 except that portions of medical records which specifically

1 identify patients must remain confidential and exempt. An
2 investigation is considered "active" while such investigation
3 is being conducted by the agency with a reasonable, good faith
4 belief that it may lead to the filing of administrative,
5 civil, or criminal proceedings. An investigation does not
6 cease to be active if the agency is proceeding with reasonable
7 dispatch and there is good faith belief that action may be
8 initiated by the agency or other administrative or law
9 enforcement agency.

10 ~~(2) The Legislature finds that it is a public~~
11 ~~necessity that these investigatory and examination records be~~
12 ~~held confidential and exempt during an investigation in order~~
13 ~~not to compromise the investigation and disseminate~~
14 ~~potentially inaccurate information. To the extent this~~
15 ~~information is made available to the public, those persons~~
16 ~~being investigated will have access to such information which~~
17 ~~would potentially defeat the purpose of the investigation.~~
18 ~~This would impede the effective and efficient operation of~~
19 ~~investigatory governmental functions.~~

20 Section 57. Sections 723.0065, 768.301, and 815.045,
21 Florida Statutes, are repealed.

22 Section 58. Paragraph (a) of subsection (7) of section
23 943.031, Florida Statutes, is amended to read:

24 943.031 Florida Violent Crime and Drug Control
25 Council.--The Legislature finds that there is a need to
26 develop and implement a statewide strategy to address violent
27 criminal activity and drug control efforts by state and local
28 law enforcement agencies, including investigations of illicit
29 money laundering. In recognition of this need, the Florida
30 Violent Crime and Drug Control Council is created within the

31

1 department. The council shall serve in an advisory capacity to
2 the department.

3 (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL
4 MEETINGS AND RECORDS.--

5 (a)~~1~~. The Legislature finds that during limited
6 portions of the meetings of the Florida Violent Crime and Drug
7 Control Council it is necessary that the council be presented
8 with and discuss details, information, and documents related
9 to active criminal investigations or matters constituting
10 active criminal intelligence, as those concepts are defined by
11 s. 119.011. These presentations and discussions are necessary
12 for the council to make its funding decisions as required by
13 the Legislature. The Legislature finds that to reveal the
14 contents of documents containing active criminal investigative
15 or intelligence information or to allow active criminal
16 investigative or active criminal intelligence matters to be
17 discussed in a meeting open to the public negatively impacts
18 the ability of law enforcement agencies to efficiently
19 continue their investigative or intelligence gathering
20 activities. The Legislature finds that information coming
21 before the council that pertains to active criminal
22 investigations or intelligence should remain confidential and
23 exempt from public disclosure. The Legislature finds that the
24 Florida Violent Crime and Drug Control Council may, by
25 declaring only those portions of council meetings in which
26 active criminal investigative or active criminal intelligence
27 information is to be presented or discussed closed to the
28 public, assure an appropriate balance between the policy of
29 this state that meetings be public and the policy of this
30 state to facilitate efficient law enforcement efforts.

31

1 2. ~~The Legislature finds that it is a public necessity~~
2 ~~that portions of the meetings of the Florida Violent Crime and~~
3 ~~Drug Control Council be closed when the confidential details,~~
4 ~~information, and documents related to active criminal~~
5 ~~investigations or matters constituting active criminal~~
6 ~~intelligence are discussed. The Legislature further finds that~~
7 ~~it is no less a public necessity that portions of public~~
8 ~~records generated at closed council meetings, such as tape~~
9 ~~recordings, minutes, and notes, memorializing the discussions~~
10 ~~regarding such confidential details, information, and~~
11 ~~documents related to active criminal investigations or matters~~
12 ~~constituting active criminal intelligence, also shall be held~~
13 ~~confidential.~~

14 Section 59. This act shall take effect July 1, 2003.

15

16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 SB 2684

18

19 Deletes from the Florida Statutes a number of sections that
20 contain statements of public necessity. The exemptions remain
21 in the statutes. The statements of public necessity remain in
22 the Laws of Florida.

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