

HB 1031

2004

A bill to be entitled

An act relating to public records; providing an exemption from public records requirements for a manuscript or other archival material donated to and held by an official archive of a municipality or county and subject to special terms and conditions that limit the right to copy or inspect the manuscript or material; requiring that such a manuscript or other archival material be made available for inspection and copying after a specified period or pursuant to court order; providing for future legislative review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Manuscripts or other archival material; public records exemption.--

(1) A manuscript or other archival material that is donated to and held by an official archive of a municipality or county contingent upon special terms and conditions that limit the right to inspect or copy such manuscript or other material, but which manuscript or archival material is not otherwise made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency, is confidential and exempt from section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution, except as otherwise provided in the special terms and conditions. However, a manuscript or other archival material received under special terms and conditions as provided by this

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30 section, or other public records, shall be made available for
 31 inspection and copying 50 years after the date of the creation
 32 of the manuscript or other archival material, at an earlier date
 33 specified in the special terms or conditions, or upon a showing
 34 of good cause before a court of competent jurisdiction.

35 (2) Subsection (1) is subject to the Open Government
 36 Sunset Review Act of 1995 in accordance with section 119.15,
 37 Florida Statutes, and shall stand repealed on October 2, 2009,
 38 unless reviewed and saved from repeal through reenactment by the
 39 Legislature.

40 Section 2. The Legislature finds that it is a public
 41 necessity to make certain donated manuscripts and other archival
 42 material held by an official archive of a municipality or county
 43 exempt from public disclosure. The Legislature finds that a
 44 municipal or county archive is often designated as the
 45 repository for manuscripts or other material of a private
 46 individual. Except for the deposit of these manuscripts or
 47 material in an official archive of a municipality or county,
 48 such manuscripts and material are not otherwise made available
 49 or received pursuant to law or ordinance or in connection with
 50 the transaction of official business by any governmental agency,
 51 and would not be in the possession of a governmental agency
 52 except for the donation of the private person. Nevertheless,
 53 such manuscript or other material may be of important historical
 54 interest to the municipality or county and therefore should be
 55 preserved in the public interest. The diaries of prominent
 56 historical figures, manuscripts of important writers, and
 57 personal effects of significant persons are examples of the
 58 types of archival material that could be placed in an official

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59 municipal or county archive. A private donor often makes the
60 donation of such manuscripts or other material contingent upon
61 special terms and conditions in order to protect private facts
62 during the lifetime of the donor or during the lifetime of
63 another person. If a municipal or county archive is unable to
64 comply with the special terms and conditions, a potential donor
65 would be unlikely to donate manuscripts or other material that
66 is of significant archival value to the municipality or county.
67 As a result, important historical information could be lost to
68 the public. While the receipt of such manuscripts or other
69 archival material is in the public interest, the Legislature
70 also finds that special terms and conditions should not forever
71 preclude the ability of the public to inspect and copy such
72 manuscripts or other archival material. The Legislature finds
73 that the interests of the donor and the public are protected by
74 limiting such special terms and conditions to 50 years following
75 the date of the creation of the manuscript or other material.
76 Such a limitation helps to protect private facts during the
77 lifetime of an affected person and ensures the preservation of
78 manuscripts and material beneficial to the public, while
79 ultimately preserving public access.

80 Section 3. This act shall take effect October 1, 2004.