

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

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

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Manuscripts or other archival material; public
22 records exemption.--

HB 1031

2004
CS

23 (1) A manuscript or other archival material that is
24 donated to and held by an official archive of a municipality or
25 county contingent upon special terms and conditions that limit
26 the right to inspect or copy such manuscript or other material,
27 but which manuscript or archival material is not otherwise made
28 or received pursuant to law or ordinance or in connection with
29 the transaction of official business by any governmental agency,
30 is confidential and exempt from section 119.07(1), Florida
31 Statutes, and Section 24(a), Article I of the State
32 Constitution, except as otherwise provided in the special terms
33 and conditions. However, a manuscript or other archival material
34 received under special terms and conditions as provided by this
35 section shall be made available for inspection and copying 50
36 years after the date of the creation of the manuscript or other
37 archival material, at an earlier date specified in the special
38 terms or conditions, or upon a showing of good cause before a
39 court of competent jurisdiction.

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42 Florida Statutes, and shall stand repealed on October 2, 2009,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

45 Section 2. The Legislature finds that it is a public
46 necessity to make certain donated manuscripts and other archival
47 material held by an official archive of a municipality or county
48 exempt from public disclosure. The Legislature finds that a
49 municipal or county archive is often designated as the
50 repository for manuscripts or other material of a private

51 individual. Except for the deposit of these manuscripts or
52 material in an official archive of a municipality or county,
53 such manuscripts and material are not otherwise made available
54 or received pursuant to law or ordinance or in connection with
55 the transaction of official business by any governmental agency,
56 and would not be in the possession of a governmental agency
57 except for the donation of the private person. Nevertheless,
58 such manuscript or other material may be of important historical
59 interest to the municipality or county and therefore should be
60 preserved in the public interest. The diaries of prominent
61 historical figures, manuscripts of important writers, and
62 personal effects of significant persons are examples of the
63 types of archival material that could be placed in an official
64 municipal or county archive. A private donor often makes the
65 donation of such manuscripts or other material contingent upon
66 special terms and conditions in order to protect private facts
67 during the lifetime of the donor or during the lifetime of
68 another person. If a municipal or county archive is unable to
69 comply with the special terms and conditions, a potential donor
70 would be unlikely to donate manuscripts or other material that
71 is of significant archival value to the municipality or county.
72 As a result, important historical information could be lost to
73 the public. While the receipt of such manuscripts or other
74 archival material is in the public interest, the Legislature
75 also finds that special terms and conditions should not forever
76 preclude the ability of the public to inspect and copy such
77 manuscripts or other archival material. The Legislature finds
78 that the interests of the donor and the public are protected by

HB 1031

2004
CS

79 | limiting such special terms and conditions to 50 years following
80 | the date of the creation of the manuscript or other material.
81 | Such a limitation helps to protect private facts during the
82 | lifetime of an affected person and ensures the preservation of
83 | manuscripts and material beneficial to the public, while
84 | ultimately preserving public access.

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