

HB 1147

2004

1 A bill to be entitled

2 An act relating to public records; creating s. 39.2021,
3 F.S.; authorizing a petition for an order to make public
4 records pertaining to certain investigations by the
5 Department of Children and Family Services; amending s.
6 119.01, F.S.; establishing state policy with respect to
7 public records; requiring governmental agencies to
8 consider certain factors in designing or acquiring
9 electronic recordkeeping systems; providing certain
10 restrictions with respect to electronic recordkeeping
11 systems and proprietary software; requiring governmental
12 agencies to provide copies of public records stored in
13 electronic recordkeeping systems; authorizing agencies to
14 charge a fee for such copies; specifying circumstances
15 under which the financial, business, and membership
16 records of an organization are public records; amending s.
17 119.011, F.S.; providing definitions; correcting cross
18 references; repealing ss. 119.0115, 119.012, and 119.02,
19 F.S., relating to specified exemption for certain
20 videotapes and video signals, records made public by the
21 use of public funds, and penalties for violation of public
22 records requirements by a public officer; amending s.
23 119.021, F.S.; providing requirements for governmental
24 agencies in maintaining and preserving public records;
25 requiring the Division of Library and Information Services
26 of the Department of State to adopt rules for retaining
27 and disposing of public records; authorizing the division
28 to provide for archiving certain noncurrent records;
29 providing for the destruction of certain records and the

HB 1147

2004

30 continued maintenance of certain records; providing for
 31 the disposition of records at the end of an official's
 32 term of office; requiring that a custodian of public
 33 records demand delivery of records held unlawfully;
 34 repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S.,
 35 relating to the retention, disposal, and disposition of
 36 public records and the delivery of records held
 37 unlawfully; amending s. 119.07, F.S.; revising provisions
 38 governing the inspection and copying of public records;
 39 authorizing additional means of inspecting or copying
 40 public records; establishing fees for copying; providing
 41 requirements for making photographs of public records;
 42 providing an exemption from public records requirements
 43 for any videotape or video signal that, under an agreement
 44 with an agency, is produced, made, or received by, or is
 45 in the custody of, a federally licensed radio or
 46 television station or its agent; repealing s. 119.08,
 47 F.S., relating to requirements for making photographs of
 48 public records; amending s. 119.084, F.S.; deleting
 49 certain provisions governing the maintenance of public
 50 records in an electronic recordkeeping system; repealing
 51 ss. 119.085 and 119.09, F.S., relating to remote
 52 electronic access to public records and the program for
 53 records and information management of the Department of
 54 State; amending s. 119.10, F.S.; clarifying provisions
 55 with respect to penalties for violations of ch. 119, F.S.;
 56 amending s. 119.105, F.S.; clarifying provisions under
 57 which certain police reports may be exempt from the public
 58 records law; amending s. 119.12, F.S.; conforming

HB 1147

2004

59 language; amending s. 120.55, F.S.; revising provisions
60 with respect to publication of the Florida Administrative
61 Code to provide that the Department of State is required
62 to compile and publish the code through a continuous
63 revision system; amending s. 257.36, F.S.; providing
64 procedures with respect to the official custody of records
65 upon the transfer of duties or responsibilities between
66 state agencies or the dissolution of a state agency;
67 amending s. 328.15, F.S.; revising the classification of
68 records of notices and satisfaction of liens on vessels
69 maintained by the Department of Highway Safety and Motor
70 Vehicles; amending s. 372.5717, F.S.; revising the
71 classification of records of hunter safety certification
72 cards maintained by the Fish and Wildlife Conservation
73 Commission; creating s. 415.1071, F.S.; authorizing a
74 petition for an order making public certain investigatory
75 records of the Department of Children and Family Services;
76 amending s. 560.121, F.S.; decreasing and qualifying the
77 period of retention for examination reports, investigatory
78 records, applications, application records, and related
79 information compiled by the Office of Financial Regulation
80 of the Financial Services Commission under the Money
81 Transmitters' Code; amending s. 560.123, F.S.; decreasing
82 the period of retention for specified reports filed by
83 money transmitters with the Office of Financial Regulation
84 of the Financial Services Commission under the Money
85 Transmitters' Code; amending s. 560.129, F.S.; decreasing
86 and qualifying the period of retention for examination
87 reports, investigatory records, applications, application

HB 1147

2004

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

HB 1147

2004

117 supervision or incarceration under the jurisdiction of the
 118 department; eliminating a requirement of the department,
 119 in its discretion, to obtain and place in its permanent
 120 records specified information on persons placed on
 121 probation and on persons who may become subject to pardon
 122 and commutation of sentence; amending s. 985.31, F.S.;
 123 revising the classification of specified medical files of
 124 serious or habitual juvenile offenders; amending s.
 125 212.095, F.S.; deleting provisions requiring the
 126 Department of Revenue to keep a permanent record of the
 127 amounts of certain refunds and requiring such records to
 128 be open to public inspection; amending s. 238.03, F.S.;
 129 deleting the authority of the Department of Management
 130 Services to photograph and reduce to microfilm as a
 131 permanent record certain ledger sheets and records and to
 132 destroy the documents from which such films derive;
 133 amending ss. 23.22, 27.02, 101.5607, 112.533, 1012.31,
 134 282.21, 287.0943, 320.05, 322.20, 338.223, 401.27,
 135 409.2577, 455.219, 456.025, 627.311, 627.351, 633.527,
 136 668.50, 794.024, and 921.0022, F.S.; correcting cross
 137 references; amending ss. 257.34 and 257.35, F.S.;
 138 conforming language and correcting cross references;
 139 reenacting s. 947.13(2)(a), F.S., relating to the duty of
 140 the Parole Commission to examine specified records, to
 141 incorporate the amendment to s. 945.25, F.S., in a
 142 reference thereto; repealing s. 430.015, F.S.; removing a
 143 public necessity statement for a public records exemption
 144 for identifying information contained in records of
 145 elderly persons collected and held by the Department of

HB 1147

2004

146 Elderly Affairs; amending s. 440.132, F.S.; removing a
 147 public necessity statement for a public records exemption
 148 for investigatory records of the Agency for Health Care
 149 Administration made or received pursuant to a workers'
 150 compensation managed care arrangement and examination
 151 records necessary to complete an investigation; repealing
 152 s. 723.0065, F.S.; removing a public necessity statement
 153 for a public records exemption for specified financial
 154 records of mobile home park owners acquired by the
 155 Division of Florida Land Sales, Condominiums, and Mobile
 156 Homes of the Department of Business and Professional
 157 Regulation; repealing s. 768.301, F.S.; removing a public
 158 necessity statement for a public records exemption for
 159 certain claims files records and minutes of meetings and
 160 proceedings relating to risk management programs entered
 161 into by the state and its agencies and subdivisions, and a
 162 public meetings exemption for proceedings and meetings
 163 regarding claims filed; amending s. 943.031, F.S.;
 164 removing a public necessity statement for a public records
 165 and public meetings exemption for specified portions of
 166 meetings of the Florida Violent Crime and Drug Control
 167 Council, specified portions of public records generated at
 168 closed council meetings, and documents related to active
 169 criminal investigations or matters constituting active
 170 criminal intelligence; providing an effective date.

171

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

173

HB 1147

2004

174 Section 1. Section 39.2021, Florida Statutes, is created
 175 to read:

176 39.2021 Release of confidential information.--

177 (1) Any person or organization, including the Department
 178 of Children and Family Services, may petition the court for an
 179 order making public the records of the Department of Children
 180 and Family Services that pertain to investigations of alleged
 181 abuse, abandonment, or neglect of a child. The court shall
 182 determine whether good cause exists for public access to the
 183 records sought or a portion thereof. In making this
 184 determination, the court shall balance the best interests of the
 185 child who is the focus of the investigation and the interests of
 186 that child's siblings, together with the privacy rights of other
 187 persons identified in the reports, against the public interest.
 188 The public interest in access to such records is reflected in s.
 189 119.01(1) and includes the need for citizens to know of and
 190 adequately evaluate the actions of the Department of Children
 191 and Family Services and the court system in providing children
 192 of this state with the protections enumerated in s. 39.001.
 193 However, this subsection does not contravene s. 39.202, which
 194 protects the name of any person reporting the abuse,
 195 abandonment, or neglect of a child.

196 (2) In cases involving serious bodily injury to a child,
 197 the Department of Children and Family Services may petition the
 198 court for an order for the immediate public release of records
 199 of the department which pertain to the protective investigation.
 200 The petition must be personally served upon the child, the
 201 child's parent or guardian, and any person named as an alleged
 202 perpetrator in the report of abuse, abandonment, or neglect. The

HB 1147

2004

203 court must determine whether good cause exists for the public
 204 release of the records sought no later than 24 hours, excluding
 205 Saturdays, Sundays, and legal holidays, after the date the
 206 department filed the petition with the court. If the court does
 207 not grant or deny the petition within the 24-hour time period,
 208 the department may release to the public summary information
 209 including:

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

212 (b) The dates and a brief description of procedural
 213 activities undertaken during the department's investigation.

214 (c) The date of each judicial proceeding, a summary of
 215 each participant's recommendations made at the judicial
 216 proceeding, and the ruling of the court.

217
 218 The summary information shall not include the name of, or other
 219 identifying information with respect to, any person identified
 220 in any investigation. In making a determination to release
 221 confidential information, the court shall balance the best
 222 interests of the child who is the focus of the investigation and
 223 the interests of that child's siblings, together with the
 224 privacy rights of other persons identified in the reports,
 225 against the public interest for access to public records.
 226 However, this subsection does not contravene s. 39.202, which
 227 protects the name of any person reporting abuse, abandonment, or
 228 neglect of a child.

229 (3) When the court determines that good cause for public
 230 access exists, the court shall direct that the department redact
 231 the name of, and other identifying information with respect to,

HB 1147

2004

232 any person identified in any protective investigation report
 233 until such time as the court finds that there is probable cause
 234 to believe that the person identified committed an act of
 235 alleged abuse, abandonment, or neglect.

236 Section 2. Section 119.01, Florida Statutes, is amended to
 237 read:

238 119.01 General state policy on public records.--

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

242 ~~(2) The Legislature finds that, given advancements in~~
 243 ~~technology, Providing access to public records is a duty of each~~
 244 ~~agency by remote electronic means is an additional method of~~
 245 ~~access that agencies should strive to provide to the extent~~
 246 ~~feasible. If an agency provides access to public records by~~
 247 ~~remote electronic means, then such access should be provided in~~
 248 ~~the most cost-effective and efficient manner available to the~~
 249 ~~agency providing the information.~~

250 ~~(2)(a)(3) The Legislature finds that providing access to~~
 251 ~~public records is a duty of each agency and that Automation of~~
 252 ~~public records must not erode the right of access to those~~
 253 ~~records. As each agency increases its use of and dependence on~~
 254 ~~electronic recordkeeping, each agency must provide ensure~~
 255 ~~reasonable public access to records electronically maintained~~
 256 ~~and must ensure that exempt or confidential records are not~~
 257 ~~disclosed except as otherwise permitted by law.~~

258 (b) When designing or acquiring an electronic
 259 recordkeeping system, an agency must consider whether such
 260 system is capable of providing data in some common format such

HB 1147

2004

261 as, but not limited to, the American Standard Code for
262 Information Interchange.

263 (c) An agency may not enter into a contract for the
264 creation or maintenance of a public records database if that
265 contract impairs the ability of the public to inspect or copy
266 the public records of the agency, including public records that
267 are on-line or stored in an electronic recordkeeping system used
268 by the agency.

269 (d) Subject to the restrictions of copyright and trade
270 secret laws and public records exemptions, agency use of
271 proprietary software must not diminish the right of the public
272 to inspect and copy a public record.

273 (e) Providing access to public records by remote
274 electronic means is an additional method of access that agencies
275 should strive to provide to the extent feasible. If an agency
276 provides access to public records by remote electronic means,
277 such access should be provided in the most cost-effective and
278 efficient manner available to the agency providing the
279 information.

280 (f) Each agency that maintains a public record in an
281 electronic recordkeeping system shall provide to any person,
282 pursuant to this chapter, a copy of any public record in that
283 system which is not exempted by law from public disclosure. An
284 agency must provide a copy of the record in the medium requested
285 if the agency maintains the record in that medium, and the
286 agency may charge a fee in accordance with this chapter. For the
287 purpose of satisfying a public records request, the fee to be
288 charged by an agency if it elects to provide a copy of a public
289 record in a medium not routinely used by the agency, or if it

HB 1147

2004

290 elects to compile information not routinely developed or
 291 maintained by the agency or that requires a substantial amount
 292 of manipulation or programming, must be in accordance with s.
 293 119.07(4).

294 (3) If public funds are expended by an agency in payment
 295 of dues or membership contributions for any person, corporation,
 296 foundation, trust, association, group, or other organization,
 297 all the financial, business, and membership records of that
 298 person, corporation, foundation, trust, association, group, or
 299 other organization which pertain to the public agency are public
 300 records and subject to the provisions of s. 119.07.

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

307 Section 3. Section 119.011, Florida Statutes, is amended
 308 to read:

309 119.011 Definitions.--As used in ~~For the purpose of this~~
 310 ~~chapter, the term:~~

311 (1) "Actual cost of duplication" means the cost of the
 312 material and supplies used to duplicate the public record but
 313 does not include labor cost or overhead cost associated with
 314 such duplication. ~~"Public records" means all documents, papers,~~
 315 ~~letters, maps, books, tapes, photographs, films, sound~~
 316 ~~recordings, data processing software, or other material,~~
 317 ~~regardless of the physical form, characteristics, or means of~~
 318 ~~transmission, made or received pursuant to law or ordinance or~~

HB 1147

2004

319 ~~in connection with the transaction of official business by any~~
 320 ~~agency.~~

321 (2) "Agency" means any state, county, district, authority,
 322 or municipal officer, department, division, board, bureau,
 323 commission, or other separate unit of government created or
 324 established by law including, for the purposes of this chapter,
 325 the Commission on Ethics, the Public Service Commission, and the
 326 Office of Public Counsel, and any other public or private
 327 agency, person, partnership, corporation, or business entity
 328 acting on behalf of any public agency.

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

333 (b) "Criminal investigative information" means information
 334 with respect to an identifiable person or group of persons
 335 compiled by a criminal justice agency in the course of
 336 conducting a criminal investigation of a specific act or
 337 omission, including, but not limited to, information derived
 338 from laboratory tests, reports of investigators or informants,
 339 or any type of surveillance.

340 (c) "Criminal intelligence information" and "criminal
 341 investigative information" shall not include:

342 1. The time, date, location, and nature of a reported
 343 crime.

344 2. The name, sex, age, and address of a person arrested or
 345 of the victim of a crime except as provided in s.

346 119.07(6)~~(3)~~(f).

HB 1147

2004

347 3. The time, date, and location of the incident and of the
348 arrest.

349 4. The crime charged.

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

352 119.07(6)(3)(f), and~~7~~ except that the court in a criminal case
353 may order that certain information required by law or agency
354 rule to be given to the person arrested be maintained in a
355 confidential manner and exempt from the provisions of s.

356 119.07(1) until released at trial if it is found that the
357 release of such information would:

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

360 b. Impair the ability of a state attorney to locate or
361 prosecute a codefendant.

362 6. Informations and indictments except as provided in s.
363 905.26.

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

365 1. Criminal intelligence information shall be considered
366 "active" as long as it is related to intelligence gathering
367 conducted with a reasonable, good faith belief that it will lead
368 to detection of ongoing or reasonably anticipated criminal
369 activities.

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

374

HB 1147

2004

375 In addition, criminal intelligence and criminal investigative
 376 information shall be considered "active" while such information
 377 is directly related to pending prosecutions or appeals. The
 378 word "active" shall not apply to information in cases which are
 379 barred from prosecution under the provisions of s. 775.15 or
 380 other statute of limitation.

381 (4) "Criminal justice agency" means:

382 (a) Any law enforcement agency, court, or prosecutor;

383 ~~The term also includes~~

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

386 (c) Any agency having custody of criminal intelligence
 387 information or criminal investigative information for the
 388 purpose of assisting such law enforcement agencies in the
 389 conduct of active criminal investigation or prosecution or for
 390 the purpose of litigating civil actions under the Racketeer
 391 Influenced and Corrupt Organization Act, during the time that
 392 such agencies are in possession of criminal intelligence
 393 information or criminal investigative information pursuant to
 394 their criminal law enforcement duties; or. ~~The term also~~
 395 ~~includes~~

396 (d) The Department of Corrections.

397 (5) "Custodian of public records" means the elected or
 398 appointed state, county, or municipal officer charged with the
 399 responsibility of maintaining the office having public records,
 400 or his or her designee.

401 (6) "Data processing software" means the programs and
 402 routines used to employ and control the capabilities of data
 403 processing hardware, including, but not limited to, operating

HB 1147

2004

404 systems, compilers, assemblers, utilities, library routines,
 405 maintenance routines, applications, and computer networking
 406 programs.

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

409 (8) "Exemption" means a provision of general law which
 410 provides that a specified record or meeting, or portion thereof,
 411 is not subject to the access requirements of s. 119.07(1), s.
 412 286.011, or s. 24, Art. I of the State Constitution.

413 (9) "Information technology resources" means data
 414 processing hardware and software and services, communications,
 415 supplies, personnel, facility resources, maintenance, and
 416 training.

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

419 (11) "Public records" means all documents, papers,
 420 letters, maps, books, tapes, photographs, films, sound
 421 recordings, data processing software, or other material,
 422 regardless of the physical form, characteristics, or means of
 423 transmission, made or received pursuant to law or ordinance or
 424 in connection with the transaction of official business by any
 425 agency.

426 (12) "Redact" means to conceal within a copy of an
 427 original public record, or within an electronic image of an
 428 original public record that is available for public viewing,
 429 that portion of the record containing exempt or confidential
 430 information.

431 (13) "Sensitive," for purposes of defining agency-produced
 432 software that is sensitive, means only those portions of data

HB 1147

2004

433 processing software, including the specifications and
 434 documentation, which are used to:

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

437 (b) Collect, process, store, and retrieve financial
 438 management information of the agency, such as payroll and
 439 accounting records; or

440 (c) Control and direct access authorizations and security
 441 measures for automated systems.

442 Section 4. Sections 119.0115, 119.012, and 119.02, Florida
 443 Statutes, are repealed.

444 Section 5. Section 119.021, Florida Statutes, is amended
 445 to read:

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

448 119.021 Custodial requirements; maintenance, preservation,
 449 and retention of public records.--

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

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

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

459 (c)1. Record books should be copied or repaired,
 460 renovated, or rebound if worn, mutilated, damaged, or difficult
 461 to read.

HB 1147

2004

462 2. Whenever any state, county, or municipal records are in
 463 need of repair, restoration, or rebinding, the head of the
 464 concerned state agency, department, board, or commission; the
 465 board of county commissioners of such county; or the governing
 466 body of such municipality may authorize that such records be
 467 removed from the building or office in which such records are
 468 ordinarily kept for the length of time required to repair,
 469 restore, or rebind them.

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

474 (2)(a) The Division of Library and Information Services of
 475 the Department of State shall adopt rules to establish retention
 476 schedules and a disposal process for public records.

477 (b) Each agency shall comply with the rules establishing
 478 retention schedules and disposal processes for public records
 479 which are adopted by the records and information management
 480 program of the division.

481 (c) Each public official shall systematically dispose of
 482 records no longer needed, subject to the consent of the records
 483 and information management program of the division in accordance
 484 with s. 257.36.

485 (d) The division may ascertain the condition of public
 486 records and shall give advice and assistance to public officials
 487 to solve problems related to the preservation, creation, filing,
 488 and public accessibility of public records in their custody.
 489 Public officials shall assist the division by preparing an
 490 inclusive inventory of categories of public records in their

HB 1147

2004

491 custody. The division shall establish a time period for the
 492 retention or disposal of each series of records. Upon the
 493 completion of the inventory and schedule, the division shall,
 494 subject to the availability of necessary space, staff, and other
 495 facilities for such purposes, make space available in its
 496 records center for the filing of semicurrent records so
 497 scheduled and in its archives for noncurrent records of
 498 permanent value and shall render such other assistance as
 499 needed, including the microfilming of records so scheduled.

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

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

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

HB 1147

2004

519 Section 6. Sections 119.031, 119.041, 119.05, and 119.06,
 520 Florida Statutes, are repealed.

521 Section 7. Section 119.07, Florida Statutes, is amended to
 522 read:

523 119.07 Inspection, examination, and copying ~~duplication~~ of
 524 records; photographing public records; fees; exemptions.--

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

530 (b) A person who has custody of a public record who
 531 asserts that an exemption applies to a part of such record shall
 532 redact that portion of the record to which an exemption has been
 533 asserted and validly applies, and such person shall produce the
 534 remainder of such record for inspection and copying.

535 (c) If the person who has custody of a public record
 536 contends that all or part of the record is exempt from
 537 inspection and copying, he or she shall state the basis of the
 538 exemption that he or she contends is applicable to the record,
 539 including the statutory citation to an exemption created or
 540 afforded by statute.

541 (d) If requested by the person seeking to inspect or copy
 542 the record, the custodian of public records shall state in
 543 writing and with particularity the reasons for the conclusion
 544 that the record is exempt or confidential.

545 (e) In any civil action in which an exemption to this
 546 section is asserted, if the exemption is alleged to exist under
 547 or by virtue of paragraph (6)(c), paragraph (6)(d), paragraph

HB 1147

2004

548 (6)(e), paragraph (6)(k), paragraph (6)(l), or paragraph (6)(o),
549 the public record or part thereof in question shall be submitted
550 to the court for an inspection in camera. If an exemption is
551 alleged to exist under or by virtue of paragraph (6)(b), an
552 inspection in camera is discretionary with the court. If the
553 court finds that the asserted exemption is not applicable, it
554 shall order the public record or part thereof in question to be
555 immediately produced for inspection or copying as requested by
556 the person seeking such access.

557 (f) Even if an assertion is made by the custodian of
558 public records that a requested record is not a public record
559 subject to public inspection or copying under this subsection,
560 the requested record shall not be disposed of for a period of 30
561 days after the date on which a written request to inspect or
562 copy the record was served on or otherwise made to the custodian
563 of public records by the person seeking access to the record. If
564 a civil action is instituted within the 30-day period to enforce
565 the provisions of this section with respect to the requested
566 record, the custodian of public records may not dispose of the
567 record except by order of a court of competent jurisdiction
568 after notice to all affected parties.

569 (g) The absence of a civil action instituted for the
570 purpose stated in paragraph (e) does not relieve the custodian
571 of public records of the duty to maintain the record as a public
572 record if the record is in fact a public record subject to
573 public inspection and copying under this subsection and does not
574 otherwise excuse or exonerate the custodian of public records
575 from any unauthorized or unlawful disposition of such record.

HB 1147

2004

576 (2)(a) As an additional means of inspecting or copying
577 public records, a custodian of public records may provide access
578 to public records by remote electronic means, provided exempt or
579 confidential information is not disclosed.

580 (b) The custodian of public records shall provide
581 safeguards to protect the contents of public records from
582 unauthorized remote electronic access or alteration and to
583 prevent the disclosure or modification of those portions of
584 public records which are exempt or confidential from subsection
585 (1) or s. 24, Art. I of the State Constitution.

586 (c) Unless otherwise required by law, the custodian of
587 public records may charge a fee for remote electronic access,
588 granted under a contractual arrangement with a user, which fee
589 may include the direct and indirect costs of providing such
590 access. Fees for remote electronic access provided to the
591 general public shall be in accordance with the provisions of
592 this section.

593 (3)(a) Any person shall have the right of access to public
594 records for the purpose of making photographs of the record
595 while such record is in the possession, custody, and control of
596 the custodian of public records.

597 (b) This subsection applies to the making of photographs
598 in the conventional sense by use of a camera device to capture
599 images of public records but excludes the duplication of
600 microfilm in the possession of the clerk of the circuit court
601 where a copy of the microfilm may be made available by the
602 clerk.

603 (c) Photographing public records shall be done under the
604 supervision of the custodian of public records, who may adopt

HB 1147

2004

605 and enforce reasonable rules governing the photographing of such
 606 records.

607 (d) Photographing of public records shall be done in the
 608 room where the public records are kept. If, in the judgment of
 609 the custodian of public records, this is impossible or
 610 impracticable, photographing shall be done in another room or
 611 place, as nearly adjacent as possible to the room where the
 612 public records are kept, to be determined by the custodian of
 613 public records. Where provision of another room or place for
 614 photographing is required, the expense of providing the same
 615 shall be paid by the person desiring to photograph the public
 616 record pursuant to paragraph (4)(e).

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

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

623 2. No more than an additional 5 cents for each two-sided
 624 copy. ~~upon payment of not more than 15 cents per one-sided copy,~~
 625 and

626 3. For all other copies, ~~upon payment of the actual cost~~
 627 of duplication of the public record. ~~An agency may charge no~~
 628 ~~more than an additional 5 cents for each two-sided duplicated~~
 629 ~~copy. For purposes of this section, duplicated copies shall~~
 630 ~~mean new copies produced by duplicating, as defined in s.~~
 631 ~~283.30. The phrase "actual cost of duplication" means the cost~~
 632 ~~of the material and supplies used to duplicate the record, but~~

HB 1147

2004

633 ~~it does not include the labor cost or overhead cost associated~~
 634 ~~with such duplication. However,~~

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

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

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

656 (e)1. Where provision of another room or place is
 657 necessary to photograph public records, the expense of providing
 658 the same shall be paid by the person desiring to photograph the
 659 public records.

660 2. The custodian of public records may charge the person
 661 making the photographs for supervision services at a rate of

HB 1147

2004

662 compensation to be agreed upon by the person desiring to make
 663 the photographs and the custodian of public records. If they
 664 fail to agree as to the appropriate charge, the charge shall be
 665 determined by the custodian of public records. "Information
 666 technology resources" means data processing hardware and
 667 software and services, communications, supplies, personnel,
 668 facility resources, maintenance, and training.

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

677 ~~(2)(a) A person who has custody of a public record and who~~
 678 ~~asserts that an exemption provided in subsection (3) or in a~~
 679 ~~general or special law applies to a particular public record or~~
 680 ~~part of such record shall delete or excise from the record only~~
 681 ~~that portion of the record with respect to which an exemption~~
 682 ~~has been asserted and validly applies, and such person shall~~
 683 ~~produce the remainder of such record for inspection and~~
 684 ~~examination. If the person who has custody of a public record~~
 685 ~~contends that the record or part of it is exempt from inspection~~
 686 ~~and examination, he or she shall state the basis of the~~
 687 ~~exemption which he or she contends is applicable to the record,~~
 688 ~~including the statutory citation to an exemption created or~~
 689 ~~afforded by statute, and, if requested by the person seeking the~~
 690 ~~right under this subsection to inspect, examine, or copy the~~

HB 1147

2004

691 ~~record, he or she shall state in writing and with particularity~~
692 ~~the reasons for the conclusion that the record is exempt.~~

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

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

HB 1147

2004

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

726 (6)(3)(a) Examination questions and answer sheets of
727 examinations administered by a governmental agency for the
728 purpose of licensure, certification, or employment are exempt
729 from the provisions of subsection (1) and s. 24(a), Art. I of
730 the State Constitution. A person who has taken such an
731 examination shall have the right to review his or her own
732 completed examination.

733 (b)1. Active criminal intelligence information and active
734 criminal investigative information are exempt from the
735 provisions of subsection (1) and s. 24(a), Art. I of the State
736 Constitution.

737 2. A request of a law enforcement agency to inspect or
738 copy a public record that is in the custody of another agency,
739 the custodian's response to the request, and any information
740 that would identify the public record that was requested by the
741 law enforcement agency or provided by the custodian are exempt
742 from the requirements of subsection (1) and s. 24(a), Art. I of
743 the State Constitution, during the period in which the
744 information constitutes criminal intelligence information or
745 criminal investigative information that is active. This
746 exemption is remedial in nature, and it is the intent of the
747 Legislature that the exemption be applied to requests for

HB 1147

2004

748 information received before, on, or after the effective date of
 749 this subparagraph. The law enforcement agency shall give notice
 750 to the custodial agency when the criminal intelligence
 751 information or criminal investigative information is no longer
 752 active, so that the custodian's response to the request and
 753 information that would identify the public record requested are
 754 available to the public. This subparagraph is subject to the
 755 Open Government Sunset Review Act of 1995 in accordance with s.
 756 119.15 and shall stand repealed October 2, 2007, unless reviewed
 757 and saved from repeal through reenactment by the Legislature.

758 (c) Any information revealing the identity of a
 759 confidential informant or a confidential source is exempt from
 760 the provisions of subsection (1) and s. 24(a), Art. I of the
 761 State Constitution.

762 (d) Any information revealing surveillance techniques or
 763 procedures or personnel is exempt from the provisions of
 764 subsection (1) and s. 24(a), Art. I of the State Constitution.
 765 Any comprehensive inventory of state and local law enforcement
 766 resources compiled pursuant to part I, chapter 23, and any
 767 comprehensive policies or plans compiled by a criminal justice
 768 agency pertaining to the mobilization, deployment, or tactical
 769 operations involved in responding to emergencies, as defined in
 770 s. 252.34(3), are exempt from the provisions of subsection (1)
 771 and s. 24(a), Art. I of the State Constitution and unavailable
 772 for inspection, except by personnel authorized by a state or
 773 local law enforcement agency, the office of the Governor, the
 774 Department of Legal Affairs, the Department of Law Enforcement,
 775 or the Department of Community Affairs as having an official

HB 1147

2004

776 need for access to the inventory or comprehensive policies or
777 plans.

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

781 (f)1. Any criminal intelligence information or criminal
782 investigative information including the photograph, name,
783 address, or other fact or information which reveals the identity
784 of the victim of the crime of sexual battery as defined in
785 chapter 794; the identity of the victim of a lewd or lascivious
786 offense committed upon or in the presence of a person less than
787 16 years of age, as defined in chapter 800; or the identity of
788 the victim of the crime of child abuse as defined by chapter 827
789 and any criminal intelligence information or criminal
790 investigative information or other criminal record, including
791 those portions of court records and court proceedings, which may
792 reveal the identity of a person who is a victim of any sexual
793 offense, including a sexual offense proscribed in chapter 794,
794 chapter 800, or chapter 827, is exempt from the provisions of
795 subsection (1) and s. 24(a), Art. I of the State Constitution.

796 2. In addition to subparagraph 1., any criminal
797 intelligence information or criminal investigative information
798 which is a photograph, videotape, or image of any part of the
799 body of the victim of a sexual offense prohibited under chapter
800 794, chapter 800, or chapter 827, regardless of whether the
801 photograph, videotape, or image identifies the victim, is
802 confidential and exempt from subsection (1) and s. 24(a), Art. I
803 of the State Constitution. This exemption applies to
804 photographs, videotapes, or images held as criminal intelligence

HB 1147

2004

805 information or criminal investigative information before, on, or
 806 after the effective date of the exemption.

807 (g) Any criminal intelligence information or criminal
 808 investigative information which reveals the personal assets of
 809 the victim of a crime, other than property stolen or destroyed
 810 during the commission of the crime, is exempt from the
 811 provisions of subsection (1) and s. 24(a), Art. I of the State
 812 Constitution.

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

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

HB 1147

2004

834 compliance with s. 633.35; the home addresses, telephone
 835 numbers, photographs, and places of employment of the spouses
 836 and children of such firefighters; and the names and locations
 837 of schools and day care facilities attended by the children of
 838 such firefighters are exempt from subsection (1). The home
 839 addresses and telephone numbers of justices of the Supreme
 840 Court, district court of appeal judges, circuit court judges,
 841 and county court judges; the home addresses, telephone numbers,
 842 and places of employment of the spouses and children of justices
 843 and judges; and the names and locations of schools and day care
 844 facilities attended by the children of justices and judges are
 845 exempt from the provisions of subsection (1). The home
 846 addresses, telephone numbers, social security numbers, and
 847 photographs of current or former state attorneys, assistant
 848 state attorneys, statewide prosecutors, or assistant statewide
 849 prosecutors; the home addresses, telephone numbers, social
 850 security numbers, photographs, and places of employment of the
 851 spouses and children of current or former state attorneys,
 852 assistant state attorneys, statewide prosecutors, or assistant
 853 statewide prosecutors; and the names and locations of schools
 854 and day care facilities attended by the children of current or
 855 former state attorneys, assistant state attorneys, statewide
 856 prosecutors, or assistant statewide prosecutors are exempt from
 857 subsection (1) and s. 24(a), Art. I of the State Constitution.

858 2. The home addresses, telephone numbers, social security
 859 numbers, and photographs of current or former human resource,
 860 labor relations, or employee relations directors, assistant
 861 directors, managers, or assistant managers of any local
 862 government agency or water management district whose duties

HB 1147

2004

863 include hiring and firing employees, labor contract negotiation,
 864 administration, or other personnel-related duties; the names,
 865 home addresses, telephone numbers, social security numbers,
 866 photographs, and places of employment of the spouses and
 867 children of such personnel; and the names and locations of
 868 schools and day care facilities attended by the children of such
 869 personnel are exempt from subsection (1) and s. 24(a), Art. I of
 870 the State Constitution. This subparagraph is subject to the Open
 871 Government Sunset Review Act of 1995 in accordance with s.
 872 119.15, and shall stand repealed on October 2, 2006, unless
 873 reviewed and saved from repeal through reenactment by the
 874 Legislature.

875 3. The home addresses, telephone numbers, social security
 876 numbers, and photographs of current or former code enforcement
 877 officers; the names, home addresses, telephone numbers, social
 878 security numbers, photographs, and places of employment of the
 879 spouses and children of such persons; and the names and
 880 locations of schools and day care facilities attended by the
 881 children of such persons are exempt from subsection (1) and s.
 882 24(a), Art. I of the State Constitution. This subparagraph is
 883 subject to the Open Government Sunset Review Act of 1995 in
 884 accordance with s. 119.15, and shall stand repealed on October
 885 2, 2006, unless reviewed and saved from repeal through
 886 reenactment by the Legislature.

887 4. An agency that is the custodian of the personal
 888 information specified in subparagraph 1., subparagraph 2., or
 889 subparagraph 3. and that is not the employer of the officer,
 890 employee, justice, judge, or other person specified in
 891 subparagraph 1., subparagraph 2., or subparagraph 3. shall

HB 1147

2004

892 maintain the exempt status ~~confidentiality~~ of the personal
 893 information only if the officer, employee, justice, judge, other
 894 person, or employing agency of the designated employee submits a
 895 written request for maintenance of the exemption ~~confidentiality~~
 896 to the custodial agency.

897 (j) Any information provided to an agency of state
 898 government or to an agency of a political subdivision of the
 899 state for the purpose of forming ridesharing arrangements, which
 900 information reveals the identity of an individual who has
 901 provided his or her name for ridesharing, as defined in s.
 902 341.031, is exempt from the provisions of subsection (1) and s.
 903 24(a), Art. I of the State Constitution.

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

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

HB 1147

2004

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

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

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

947 (n) When an agency of the executive branch of state
 948 government seeks to acquire real property by purchase or through
 949 the exercise of the power of eminent domain all appraisals,

HB 1147

2004

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

HB 1147

2004

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

986 ~~As used in this paragraph:~~

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

993 2. ~~"Sensitive" means only those portions of data~~
 994 ~~processing software, including the specifications and~~
 995 ~~documentation, used to:~~

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

998 b. ~~Collect, process, store, and retrieve financial~~
 999 ~~management information of the agency, such as payroll and~~
 1000 ~~accounting records; or~~

1001 e. ~~Control and direct access authorizations and security~~
 1002 ~~measures for automated systems.~~

1003 (p) All complaints and other records in the custody of any
 1004 unit of local government which relate to a complaint of
 1005 discrimination relating to race, color, religion, sex, national
 1006 origin, age, handicap, marital status, sale or rental of

HB 1147

2004

1007 housing, the provision of brokerage services, or the financing
 1008 of housing are exempt from the provisions of subsection (1) and
 1009 s. 24(a), Art. I of the State Constitution until a finding is
 1010 made relating to probable cause, the investigation of the
 1011 complaint becomes inactive, or the complaint or other record is
 1012 made part of the official record of any hearing or court
 1013 proceeding. This provision shall not affect any function or
 1014 activity of the Florida Commission on Human Relations. Any
 1015 state or federal agency which is authorized to have access to
 1016 such complaints or records by any provision of law shall be
 1017 granted such access in the furtherance of such agency's
 1018 statutory duties, notwithstanding the provisions of this
 1019 section. This paragraph shall not be construed to modify or
 1020 repeal any special or local act.

1021 (q) All complaints and other records in the custody of any
 1022 agency in the executive branch of state government which relate
 1023 to a complaint of discrimination relating to race, color,
 1024 religion, sex, national origin, age, handicap, or marital status
 1025 in connection with hiring practices, position classifications,
 1026 salary, benefits, discipline, discharge, employee performance,
 1027 evaluation, or other related activities are exempt from the
 1028 provisions of subsection (1) and s. 24(a), Art. I of the State
 1029 Constitution until a finding is made relating to probable cause,
 1030 the investigation of the complaint becomes inactive, or the
 1031 complaint or other record is made part of the official record of
 1032 any hearing or court proceeding. This provision shall not
 1033 affect any function or activity of the Florida Commission on
 1034 Human Relations. Any state or federal agency which is
 1035 authorized to have access to such complaints or records by any

HB 1147

2004

1036 provision of law shall be granted such access in the furtherance
 1037 of such agency's statutory duties, notwithstanding the
 1038 provisions of this section.

1039 (r) All records supplied by a telecommunications company,
 1040 as defined by s. 364.02, to a state or local governmental agency
 1041 which contain the name, address, and telephone number of
 1042 subscribers are confidential and exempt from the provisions of
 1043 subsection (1) and s. 24(a), Art. I of the State Constitution.

1044 (s)1. Any document that reveals the identity, home or
 1045 employment telephone number, home or employment address, or
 1046 personal assets of the victim of a crime and identifies that
 1047 person as the victim of a crime, which document is received by
 1048 any agency that regularly receives information from or
 1049 concerning the victims of crime, is exempt from the provisions
 1050 of subsection (1) and s. 24(a), Art. I of the State
 1051 Constitution. Any information not otherwise held confidential or
 1052 exempt from the provisions of subsection (1) which reveals the
 1053 home or employment telephone number, home or employment address,
 1054 or personal assets of a person who has been the victim of sexual
 1055 battery, aggravated child abuse, aggravated stalking,
 1056 harassment, aggravated battery, or domestic violence is exempt
 1057 from the provisions of subsection (1) and s. 24(a), Art. I of
 1058 the State Constitution, upon written request by the victim,
 1059 which must include official verification that an applicable
 1060 crime has occurred. Such information shall cease to be exempt 5
 1061 years after the receipt of the written request. Any state or
 1062 federal agency that is authorized to have access to such
 1063 documents by any provision of law shall be granted such access

HB 1147

2004

1064 in the furtherance of such agency's statutory duties,
 1065 notwithstanding the provisions of this section.

1066 2.a. Any information in a videotaped statement of a minor
 1067 who is alleged to be or who is a victim of sexual battery, lewd
 1068 acts, or other sexual misconduct proscribed in chapter 800 or in
 1069 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
 1070 847.0133, or s. 847.0145, which reveals that minor's identity,
 1071 including, but not limited to, the minor's face; the minor's
 1072 home, school, church, or employment telephone number; the
 1073 minor's home, school, church, or employment address; the name of
 1074 the minor's school, church, or place of employment; or the
 1075 personal assets of the minor; and which identifies that minor as
 1076 the victim of a crime described in this subparagraph, held by a
 1077 law enforcement agency, is confidential and exempt from
 1078 subsection (1) and s. 24(a), Art. I of the State Constitution.
 1079 Any governmental agency that is authorized to have access to
 1080 such statements by any provision of law shall be granted such
 1081 access in the furtherance of the agency's statutory duties,
 1082 notwithstanding the provisions of this section.

1083 b. A public employee or officer who has access to a
 1084 videotaped statement of a minor who is alleged to be or who is a
 1085 victim of sexual battery, lewd acts, or other sexual misconduct
 1086 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
 1087 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145,
 1088 may not willfully and knowingly disclose videotaped information
 1089 that reveals the minor's identity to a person who is not
 1090 assisting in the investigation or prosecution of the alleged
 1091 offense or to any person other than the defendant, the
 1092 defendant's attorney, or a person specified in an order entered

HB 1147

2004

1093 by the court having jurisdiction of the alleged offense. A
 1094 person who violates this provision commits a misdemeanor of the
 1095 first degree, punishable as provided in s. 775.082 or s.
 1096 775.083.

1097 (t) Any financial statement which an agency requires a
 1098 prospective bidder to submit in order to prequalify for bidding
 1099 or for responding to a proposal for a road or any other public
 1100 works project is exempt from the provisions of subsection (1)
 1101 and s. 24(a), Art. I of the State Constitution.

1102 (u) Where the alleged victim chooses not to file a
 1103 complaint and requests that records of the complaint remain
 1104 confidential, all records relating to an allegation of
 1105 employment discrimination are confidential and exempt from the
 1106 provisions of subsection (1) and s. 24(a), Art. I of the State
 1107 Constitution.

1108 (v) Medical information pertaining to a prospective,
 1109 current, or former officer or employee of an agency which, if
 1110 disclosed, would identify that officer or employee is exempt
 1111 from the provisions of subsection (1) and s. 24(a), Art. I of
 1112 the State Constitution. However, such information may be
 1113 disclosed if the person to whom the information pertains or the
 1114 person's legal representative provides written permission or
 1115 pursuant to court order.

1116 (w)1. If certified pursuant to subparagraph 2., an
 1117 investigatory record of the Chief Inspector General within the
 1118 Executive Office of the Governor or of the employee designated
 1119 by an agency head as the agency inspector general under s.
 1120 112.3189 is exempt from the provisions of subsection (1) and s.
 1121 24(a), Art. I of the State Constitution until the investigation

HB 1147

2004

1122 ceases to be active, or a report detailing the investigation is
 1123 provided to the Governor or the agency head, or 60 days from the
 1124 inception of the investigation for which the record was made or
 1125 received, whichever first occurs. Investigatory records are
 1126 those records which are related to the investigation of an
 1127 alleged, specific act or omission or other wrongdoing, with
 1128 respect to an identifiable person or group of persons, based on
 1129 information compiled by the Chief Inspector General or by an
 1130 agency inspector general, as named under the provisions of s.
 1131 112.3189, in the course of an investigation. An investigation
 1132 is active if it is continuing with a reasonable, good faith
 1133 anticipation of resolution and with reasonable dispatch.

1134 2. The Governor, in the case of the Chief Inspector
 1135 General, or agency head, in the case of an employee designated
 1136 as the agency inspector general under s. 112.3189, may certify
 1137 such investigatory records require an exemption to protect the
 1138 integrity of the investigation or avoid unwarranted damage to an
 1139 individual's good name or reputation. The certification shall
 1140 specify the nature and purpose of the investigation and shall be
 1141 kept with the exempt records and made public when the records
 1142 are made public.

1143 3. The provisions of this paragraph do not apply to
 1144 whistle-blower investigations conducted pursuant to the
 1145 provisions of ss. 112.3187, 112.3188, 112.3189, and 112.31895.

1146 (x) The social security numbers of all current and former
 1147 agency employees which numbers are contained in agency
 1148 employment records are exempt from subsection (1) and exempt
 1149 from s. 24(a), Art. I of the State Constitution. As used in

HB 1147

2004

1150 this paragraph, the term "agency" means an agency as defined in
 1151 s. 119.011.

1152 (y) The audit report of an internal auditor prepared for
 1153 or on behalf of a unit of local government becomes a public
 1154 record when the audit becomes final. As used in this paragraph,
 1155 "unit of local government" means a county, municipality, special
 1156 district, local agency, authority, consolidated city-county
 1157 government, or any other local governmental body or public body
 1158 corporate or politic authorized or created by general or special
 1159 law. An audit becomes final when the audit report is presented
 1160 to the unit of local government. Audit workpapers and notes
 1161 related to such audit report are confidential and exempt from
 1162 the provisions of subsection (1) and s. 24(a), Art. I of the
 1163 State Constitution until the audit is completed and the audit
 1164 report becomes final.

1165 (z) Any data, record, or document used directly or solely
 1166 by a municipally owned utility to prepare and submit a bid
 1167 relative to the sale, distribution, or use of any service,
 1168 commodity, or tangible personal property to any customer or
 1169 prospective customer shall be exempt from the provisions of
 1170 subsection (1) and s. 24(a), Art. I of the State Constitution.
 1171 This exemption commences when a municipal utility identifies in
 1172 writing a specific bid to which it intends to respond. This
 1173 exemption no longer applies when the contract for sale,
 1174 distribution, or use of the service, commodity, or tangible
 1175 personal property is executed, a decision is made not to execute
 1176 such contract, or the project is no longer under active
 1177 consideration. The exemption in this paragraph includes the bid
 1178 documents actually furnished in response to the request for

HB 1147

2004

1179 bids. However, the exemption for the bid documents submitted no
 1180 longer applies after the bids are opened by the customer or
 1181 prospective customer.

1182 (aa) Upon a request made in a form designated by the
 1183 Department of Highway Safety and Motor Vehicles, personal
 1184 information contained in a motor vehicle record that identifies
 1185 the requester is exempt from subsection (1) and s. 24(a), Art. I
 1186 of the State Constitution except as provided in this paragraph.

1187 Personal information includes, but is not limited to, the
 1188 requester's social security number, driver identification
 1189 number, name, address, telephone number, and medical or
 1190 disability information. For purposes of this paragraph,
 1191 personal information does not include information relating to
 1192 vehicular crashes, driving violations, and driver's status.
 1193 Such request may be made only by the person who is the subject
 1194 of the motor vehicle record. For purposes of this paragraph,
 1195 "motor vehicle record" means any record that pertains to a motor
 1196 vehicle operator's permit, motor vehicle title, motor vehicle
 1197 registration, or identification card issued by the Department of
 1198 Highway Safety and Motor Vehicles. Personal information
 1199 contained in motor vehicle records exempted by an individual's
 1200 request pursuant to this paragraph shall be released by the
 1201 department for any of the following uses:

- 1202 1. For use in connection with matters of motor vehicle or
 1203 driver safety and theft; motor vehicle emissions; motor vehicle
 1204 product alterations, recalls, or advisories; performance
 1205 monitoring of motor vehicles and dealers by motor vehicle
 1206 manufacturers; and removal of nonowner records from the original
 1207 owner records of motor vehicle manufacturers, to carry out the

HB 1147

2004

1208 purposes of the Automobile Information Disclosure Act, the Motor
 1209 Vehicle Information and Cost Saving Act, the National Traffic
 1210 and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of
 1211 1992, and the Clean Air Act.

1212 2. For use by any government agency, including any court
 1213 or law enforcement agency, in carrying out its functions, or any
 1214 private person or entity acting on behalf of a federal, state,
 1215 or local agency in carrying out its functions.

1216 3. For use in connection with matters of motor vehicle or
 1217 driver safety and theft; motor vehicle emissions; motor vehicle
 1218 product alterations, recalls, or advisories; performance
 1219 monitoring of motor vehicles, motor vehicle parts, and dealers;
 1220 motor vehicle market research activities, including survey
 1221 research; and removal of nonowner records from the original
 1222 owner records of motor vehicle manufacturers.

1223 4. For use in the normal course of business by a
 1224 legitimate business or its agents, employees, or contractors,
 1225 but only:

1226 a. To verify the accuracy of personal information
 1227 submitted by the individual to the business or its agents,
 1228 employees, or contractors; and

1229 b. If such information as so submitted is not correct or
 1230 is no longer correct, to obtain the correct information, but
 1231 only for the purposes of preventing fraud by, pursuing legal
 1232 remedies against, or recovering on a debt or security interest
 1233 against, the individual.

1234 5. For use in connection with any civil, criminal,
 1235 administrative, or arbitral proceeding in any court or agency or
 1236 before any self-regulatory body for:

HB 1147

2004

- 1237 a. Service of process by any certified process server,
 1238 special process server, or other person authorized to serve
 1239 process in this state.
- 1240 b. Investigation in anticipation of litigation by an
 1241 attorney licensed to practice law in this state or the agent of
 1242 the attorney.
- 1243 c. Investigation by any person in connection with any
 1244 filed proceeding.
- 1245 d. Execution or enforcement of judgments and orders.
- 1246 e. Compliance with an order of any court.
- 1247 6. For use in research activities and for use in producing
 1248 statistical reports, so long as the personal information is not
 1249 published, redisclosed, or used to contact individuals.
- 1250 7. For use by any insurer or insurance support
 1251 organization, or by a self-insured entity, or its agents,
 1252 employees, or contractors, in connection with claims
 1253 investigation activities, anti-fraud activities, rating, or
 1254 underwriting.
- 1255 8. For use in providing notice to the owners of towed or
 1256 impounded vehicles.
- 1257 9. For use by any licensed private investigative agency or
 1258 licensed security service for any purpose permitted under this
 1259 paragraph. Personal information obtained based on an exempt
 1260 driver's record may not be provided to a client who cannot
 1261 demonstrate a need based on a police report, court order, or a
 1262 business or personal relationship with the subject of the
 1263 investigation.
- 1264 10. For use by an employer or its agent or insurer to
 1265 obtain or verify information relating to a holder of a

HB 1147

2004

1266 commercial driver's license that is required under the
 1267 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App. 2710
 1268 et seq.

1269 11. For use in connection with the operation of private
 1270 toll transportation facilities.

1271 12. For bulk distribution for surveys, marketing, or
 1272 solicitations when the department has implemented methods and
 1273 procedures to ensure that:

1274 a. Individuals are provided an opportunity, in a clear and
 1275 conspicuous manner, to prohibit such uses; and

1276 b. The information will be used, rented, or sold solely
 1277 for bulk distribution for survey, marketing, and solicitations,
 1278 and that surveys, marketing, and solicitations will not be
 1279 directed at those individuals who have timely requested that
 1280 they not be directed at them.

1281 13. For any use if the requesting person demonstrates that
 1282 he or she has obtained the written consent of the person who is
 1283 the subject of the motor vehicle record.

1284 14. For any other use specifically authorized by state
 1285 law, if such use is related to the operation of a motor vehicle
 1286 or public safety.

1287
 1288 Personal information exempted from public disclosure according
 1289 to this paragraph may be disclosed by the Department of Highway
 1290 Safety and Motor Vehicles to an individual, firm, corporation,
 1291 or similar business entity whose primary business interest is to
 1292 resell or redisclose the personal information to persons who are
 1293 authorized to receive such information. Prior to the
 1294 department's disclosure of personal information, such

HB 1147

2004

1295 individual, firm, corporation, or similar business entity must
 1296 first enter into a contract with the department regarding the
 1297 care, custody, and control of the personal information to ensure
 1298 compliance with the federal Driver's Privacy Protection Act of
 1299 1994 and applicable state laws. An authorized recipient of
 1300 personal information contained in a motor vehicle record, except
 1301 a recipient under subparagraph 12., may contract with the
 1302 Department of Highway Safety and Motor Vehicles to resell or
 1303 redisclose the information for any use permitted under this
 1304 paragraph. However, only authorized recipients of personal
 1305 information under subparagraph 12. may resell or redisclose
 1306 personal information pursuant to subparagraph 12. Any authorized
 1307 recipient who resells or rediscloses personal information shall
 1308 maintain, for a period of 5 years, records identifying each
 1309 person or entity that receives the personal information and the
 1310 permitted purpose for which it will be used. Such records shall
 1311 be made available for inspection upon request by the department.
 1312 The department shall adopt rules to carry out the purposes of
 1313 this paragraph and the federal Driver's Privacy Protection Act
 1314 of 1994, Title XXX, Pub. L. No. 103-322. Rules adopted by the
 1315 department shall provide for the payment of applicable fees and,
 1316 prior to the disclosure of personal information pursuant to this
 1317 paragraph, shall require the meeting of conditions by the
 1318 requesting person for the purposes of obtaining reasonable
 1319 assurance concerning the identity of such requesting person,
 1320 and, to the extent required, assurance that the use will be only
 1321 as authorized or that the consent of the person who is the
 1322 subject of the personal information has been obtained. Such
 1323 conditions may include, but need not be limited to, the making

HB 1147

2004

1324 and filing of a written application in such form and containing
 1325 such information and certification requirements as the
 1326 department requires.

1327 (bb) Medical history records and information related to
 1328 health or property insurance provided to the Department of
 1329 Community Affairs, the Florida Housing Finance Corporation, a
 1330 county, a municipality, or a local housing finance agency by an
 1331 applicant for or a participant in a federal, state, or local
 1332 housing assistance program are confidential and exempt from the
 1333 provisions of subsection (1) and s. 24(a), Art. I of the State
 1334 Constitution. Governmental entities or their agents shall have
 1335 access to such confidential and exempt records and information
 1336 for the purpose of auditing federal, state, or local housing
 1337 programs or housing assistance programs. Such confidential and
 1338 exempt records and information may be used in any administrative
 1339 or judicial proceeding, provided such records are kept
 1340 confidential and exempt unless otherwise ordered by a court.

1341 (cc) All personal identifying information; bank account
 1342 numbers; and debit, charge, and credit card numbers contained in
 1343 records relating to an individual's personal health or
 1344 eligibility for health-related services made or received by the
 1345 Department of Health or its service providers are confidential
 1346 and exempt from the provisions of subsection (1) and s. 24(a),
 1347 Art. I of the State Constitution, except as otherwise provided
 1348 in this paragraph. Information made confidential and exempt by
 1349 this paragraph shall be disclosed:

1350 1. With the express written consent of the individual or
 1351 the individual's legally authorized representative.

HB 1147

2004

1352 2. In a medical emergency, but only to the extent
1353 necessary to protect the health or life of the individual.

1354 3. By court order upon a showing of good cause.

1355 4. To a health research entity, if the entity seeks the
1356 records or data pursuant to a research protocol approved by the
1357 department, maintains the records or data in accordance with the
1358 approved protocol, and enters into a purchase and data-use
1359 agreement with the department, the fee provisions of which are
1360 consistent with subsection (4) ~~paragraph (1)(a)~~. The department
1361 may deny a request for records or data if the protocol provides
1362 for intrusive follow-back contacts, has not been approved by a
1363 human studies institutional review board, does not plan for the
1364 destruction of confidential records after the research is
1365 concluded, is administratively burdensome, or does not have
1366 scientific merit. The agreement must restrict the release of
1367 any information, which would permit the identification of
1368 persons, limit the use of records or data to the approved
1369 research protocol, and prohibit any other use of the records or
1370 data. Copies of records or data issued pursuant to this
1371 subparagraph remain the property of the department.

1372
1373 This paragraph is subject to the Open Government Sunset Review
1374 Act of 1995, in accordance with s. 119.15, and shall stand
1375 repealed on October 2, 2006, unless reviewed and saved from
1376 repeal through reenactment by the Legislature.

1377 (dd) Bank account numbers and debit, charge, and credit
1378 card numbers held by an agency are exempt from subsection (1)
1379 and s. 24(a), Art. I of the State Constitution. This exemption
1380 applies to bank account numbers and debit, charge, and credit

HB 1147

2004

1381 card numbers held by an agency before, on, or after the
 1382 effective date of this exemption. This paragraph is subject to
 1383 the Open Government Sunset Review Act of 1995 in accordance with
 1384 s. 119.15, and shall stand repealed on October 2, 2007, unless
 1385 reviewed and saved from repeal through reenactment by the
 1386 Legislature.

1387 (ee) Building plans, blueprints, schematic drawings, and
 1388 diagrams, including draft, preliminary, and final formats, which
 1389 depict the internal layout and structural elements of a
 1390 building, arena, stadium, water treatment facility, or other
 1391 structure owned or operated by an agency as defined in s.
 1392 119.011 are exempt from the provisions of subsection (1) and s.
 1393 24(a), Art. I of the State Constitution. This exemption applies
 1394 to building plans, blueprints, schematic drawings, and diagrams,
 1395 including draft, preliminary, and final formats, which depict
 1396 the internal layout and structural elements of a building,
 1397 arena, stadium, water treatment facility, or other structure
 1398 owned or operated by an agency before, on, or after the
 1399 effective date of this act. Information made exempt by this
 1400 paragraph may be disclosed to another governmental entity if
 1401 disclosure is necessary for the receiving entity to perform its
 1402 duties and responsibilities; to a licensed architect, engineer,
 1403 or contractor who is performing work on or related to the
 1404 building, arena, stadium, water treatment facility, or other
 1405 structure owned or operated by an agency; or upon a showing of
 1406 good cause before a court of competent jurisdiction. The
 1407 entities or persons receiving such information shall maintain
 1408 the exempt status of the information. This paragraph is subject
 1409 to the Open Government Sunset Review Act of 1995 in accordance

HB 1147

2004

1410 with s. 119.15, and shall stand repealed on October 2, 2007,
 1411 unless reviewed and reenacted by the Legislature.

1412 (ff)1. Until January 1, 2006, if a social security number,
 1413 made confidential and exempt pursuant to s. 119.0721, created
 1414 pursuant to s. 1, ch. 2002-256, passed during the 2002 regular
 1415 legislative session, or a complete bank account, debit, charge,
 1416 or credit card number made exempt pursuant to paragraph (dd),
 1417 created pursuant to s. 1, ch. 2002-257, passed during the 2002
 1418 regular legislative session, is or has been included in a court
 1419 file, such number may be included as part of the court record
 1420 available for public inspection and copying unless redaction is
 1421 requested by the holder of such number, or by the holder's
 1422 attorney or legal guardian, in a signed, legibly written request
 1423 specifying the case name, case number, document heading, and
 1424 page number. The request must be delivered by mail, facsimile,
 1425 electronic transmission, or in person to the clerk of the
 1426 circuit court. The clerk of the circuit court does not have a
 1427 duty to inquire beyond the written request to verify the
 1428 identity of a person requesting redaction. A fee may not be
 1429 charged for the redaction of a social security number or a bank
 1430 account, debit, charge, or credit card number pursuant to such
 1431 request.

1432 2. Any person who prepares or files a document to be
 1433 recorded in the official records by the county recorder as
 1434 provided in chapter 28 may not include a person's social
 1435 security number or complete bank account, debit, charge, or
 1436 credit card number in that document unless otherwise expressly
 1437 required by law. Until January 1, 2006, if a social security
 1438 number or a complete bank account, debit, charge or credit card

HB 1147

2004

1439 number is or has been included in a document presented to the
 1440 county recorder for recording in the official records of the
 1441 county, such number may be made available as part of the
 1442 official record available for public inspection and copying. Any
 1443 person, or his or her attorney or legal guardian, may request
 1444 that a county recorder remove from an image or copy of an
 1445 official record placed on a county recorder's publicly available
 1446 Internet website, or a publicly available Internet website used
 1447 by a county recorder to display public records outside the
 1448 office or otherwise made electronically available outside the
 1449 county recorder's office to the general public, his or her
 1450 social security number or complete account, debit, charge, or
 1451 credit card number contained in that official record. Such
 1452 request must be legibly written, signed by the requester, and
 1453 delivered by mail, facsimile, electronic transmission, or in
 1454 person to the county recorder. The request must specify the
 1455 identification page number of the document that contains the
 1456 number to be redacted. The county recorder does not have a duty
 1457 to inquire beyond the written request to verify the identity of
 1458 a person requesting redaction. A fee may not be charged for
 1459 redacting such numbers.

1460 3. Upon the effective date of this act, subsections (3)
 1461 and (4) of s. 119.0721~~7~~ do not apply to the clerks of the court
 1462 or the county recorder with respect to circuit court records and
 1463 official records.

1464 4. On January 1, 2006, and thereafter, the clerk of the
 1465 circuit court and the county recorder must keep complete bank
 1466 account, debit, charge, and credit card numbers exempt as
 1467 provided for in paragraph (dd), and must keep social security

HB 1147

2004

1468 numbers confidential and exempt as provided for in s. 119.0721,
 1469 without any person having to request redaction.

1470 (gg) All personal identifying information contained in
 1471 records relating to a person's health held by local governmental
 1472 entities or their service providers for the purpose of
 1473 determining eligibility for paratransit services under Title II
 1474 of the Americans with Disabilities Act or eligibility for the
 1475 transportation disadvantaged program as provided in part I of
 1476 chapter 427 is confidential and exempt from the provisions of
 1477 subsection (1) and s. 24(a), Art. I of the State Constitution,
 1478 except as otherwise provided herein. This exemption applies to
 1479 personal identifying information contained in such records held
 1480 by local governmental entities or their service providers
 1481 before, on, or after the effective date of this exemption.

1482 Information made confidential and exempt by this paragraph shall
 1483 be disclosed:

1484 1. With the express written consent of the individual or
 1485 the individual's legally authorized representative;

1486 2. In a medical emergency, but only to the extent
 1487 necessary to protect the health or life of the individual;

1488 3. By court order upon a showing of good cause; or

1489 4. For the purpose of determining eligibility for
 1490 paratransit services if the individual or the individual's
 1491 legally authorized representative has filed an appeal or
 1492 petition before an administrative body of a local government or
 1493 a court.

1494 (hh) Any videotape or video signal that, under an
 1495 agreement with an agency, is produced, made, or received by, or

HB 1147

2004

1496 is in the custody of, a federally licensed radio or television
 1497 station or its agent is exempt from this chapter.

1498 (7)(4) Nothing in this section shall be construed to
 1499 exempt from subsection (1) a public record which was made a part
 1500 of a court file and which is not specifically closed by order of
 1501 court, except as provided in paragraphs (c), (d), (e), (k), (l),
 1502 and (o) of subsection (6) ~~(3)~~ and except information or records
 1503 which may reveal the identity of a person who is a victim of a
 1504 sexual offense as provided in paragraph (f) of subsection (6)
 1505 ~~(3)~~.

1506 ~~(5) An exemption from this section does not imply an~~
 1507 ~~exemption from or exception to s. 286.011. The exemption from~~
 1508 ~~or exception to s. 286.011 must be expressly provided.~~

1509 (8)(6) Nothing in subsection (6) ~~(3)~~ or any other general
 1510 or special law shall limit the access of the Auditor General,
 1511 the Office of Program Policy Analysis and Government
 1512 Accountability, or any state, county, municipal, university,
 1513 board of community college, school district, or special district
 1514 internal auditor to public records when such person states in
 1515 writing that such records are needed for a properly authorized
 1516 audit, examination, or investigation. Such person shall maintain
 1517 the exempt or confidential status of a ~~confidentiality of any~~
 1518 public record ~~records~~ that is exempt or ~~are~~ confidential ~~or~~
 1519 ~~exempt~~ from the provisions of subsection (1) and shall be
 1520 subject to the same penalties as the custodian ~~custodians~~ of
 1521 that record ~~those public records~~ for public disclosure of such
 1522 record ~~violating confidentiality.~~

HB 1147

2004

1523 (9) An exemption from this section does not imply an
1524 exemption from s. 286.011. The exemption from s. 286.011 must be
1525 expressly provided.

1526 ~~(7)(a) Any person or organization, including the~~
1527 ~~Department of Children and Family Services, may petition the~~
1528 ~~court for an order making public the records of the Department~~
1529 ~~of Children and Family Services that pertain to investigations~~
1530 ~~of alleged abuse, neglect, abandonment, or exploitation of a~~
1531 ~~child or a vulnerable adult. The court shall determine if good~~
1532 ~~cause exists for public access to the records sought or a~~
1533 ~~portion thereof. In making this determination, the court shall~~
1534 ~~balance the best interest of the vulnerable adult or child who~~
1535 ~~is the focus of the investigation, and in the case of the child,~~
1536 ~~the interest of that child's siblings, together with the privacy~~
1537 ~~right of other persons identified in the reports against the~~
1538 ~~public interest. The public interest in access to such records~~
1539 ~~is reflected in s. 119.01(1), and includes the need for citizens~~
1540 ~~to know of and adequately evaluate the actions of the Department~~
1541 ~~of Children and Family Services and the court system in~~
1542 ~~providing vulnerable adults and children of this state with the~~
1543 ~~protections enumerated in ss. 39.001 and 415.101. However, this~~
1544 ~~subsection does not contravene ss. 39.202 and 415.107, which~~
1545 ~~protect the name of any person reporting the abuse, neglect, or~~
1546 ~~exploitation of a child or a vulnerable adult.~~

1547 ~~(b) In cases involving serious bodily injury to a child or~~
1548 ~~a vulnerable adult, the Department of Children and Family~~
1549 ~~Services may petition the court for an order for the immediate~~
1550 ~~public release of records of the department which pertain to the~~
1551 ~~protective investigation. The petition must be personally served~~

HB 1147

2004

1552 ~~upon the child or vulnerable adult, the child's parents or~~
 1553 ~~guardian, the legal guardian of that person, if any, and any~~
 1554 ~~person named as an alleged perpetrator in the report of abuse,~~
 1555 ~~neglect, abandonment, or exploitation. The court must determine~~
 1556 ~~if good cause exists for the public release of the records~~
 1557 ~~sought no later than 24 hours, excluding Saturdays, Sundays, and~~
 1558 ~~legal holidays, after the date the department filed the petition~~
 1559 ~~with the court. If the court has neither granted nor denied the~~
 1560 ~~petition within the 24-hour time period, the department may~~
 1561 ~~release to the public summary information including:~~

1562 ~~1. A confirmation that an investigation has been conducted~~
 1563 ~~concerning the alleged victim.~~

1564 ~~2. The dates and brief description of procedural~~
 1565 ~~activities undertaken during the department's investigation.~~

1566 ~~3. The date of each judicial proceeding, a summary of each~~
 1567 ~~participant's recommendations made at the judicial proceedings,~~
 1568 ~~and the rulings of the court.~~

1569
 1570 ~~The summary information may not include the name of, or other~~
 1571 ~~identifying information with respect to, any person identified~~
 1572 ~~in any investigation. In making a determination to release~~
 1573 ~~confidential information, the court shall balance the best~~
 1574 ~~interests of the vulnerable adult or child who is the focus of~~
 1575 ~~the investigation and, in the case of the child, the interests~~
 1576 ~~of that child's siblings, together with the privacy rights of~~
 1577 ~~other persons identified in the reports against the public~~
 1578 ~~interest for access to public records. However, this paragraph~~
 1579 ~~does not contravene ss. 39.202 and 415.107, which protect the~~

HB 1147

2004

1580 ~~name of any person reporting abuse, neglect, or exploitation of~~
 1581 ~~a child or a vulnerable adult.~~

1582 ~~(c) When the court determines that good cause for public~~
 1583 ~~access exists, the court shall direct that the department redact~~
 1584 ~~the name of and other identifying information with respect to~~
 1585 ~~any person identified in any protective investigation report~~
 1586 ~~until such time as the court finds that there is probable cause~~
 1587 ~~to believe that the person identified committed an act of~~
 1588 ~~alleged abuse, neglect, or abandonment.~~

1589 ~~(10)(8)~~ The provisions of this section are not intended to
 1590 expand or limit the provisions of Rule 3.220, Florida Rules of
 1591 Criminal Procedure, regarding the right and extent of discovery
 1592 by the state or by a defendant in a criminal prosecution or in
 1593 collateral postconviction proceedings. This section may not be
 1594 used by any inmate as the basis for failing to timely litigate
 1595 any postconviction action.

1596 Section 8. Section 119.08, Florida Statutes, is repealed.

1597 Section 9. Section 119.084, Florida Statutes, is amended
 1598 to read:

1599 119.084 ~~Definitions~~; Copyright of data processing software
 1600 created by governmental agencies; sale price and licensing fee;
 1601 ~~access to public records; prohibited contracts.--~~

1602 (1) As used in this section,~~+~~

1603 ~~(a)~~ "agency" has the same meaning as in s. 119.011(2),
 1604 except that the term does not include any private agency,
 1605 person, partnership, corporation, or business entity.

1606 ~~(b)~~ ~~"Data processing software" means the programs and~~
 1607 ~~routines used to employ and control the capabilities of data~~
 1608 ~~processing hardware, including, but not limited to, operating~~

HB 1147

2004

1609 ~~systems, compilers, assemblers, utilities, library routines,~~
 1610 ~~maintenance routines, applications, and computer networking~~
 1611 ~~programs.~~

1612 ~~(c) "Proprietary software" means data processing software~~
 1613 ~~that is protected by copyright or trade secret laws.~~

1614 (2) Any agency is authorized to acquire and hold
 1615 copyrights for data processing software created by the agency
 1616 and to enforce its rights pertaining to such copyrights,
 1617 provided that the agency complies with the requirements of this
 1618 section.

1619 (a) Any agency that has acquired a copyright for data
 1620 processing software created by the agency may sell or license
 1621 the copyrighted data processing software to any public agency or
 1622 private person and may establish a price for the sale and a
 1623 license fee for the use of such data processing software.
 1624 Proceeds from the sale or licensing of copyrighted data
 1625 processing software shall be deposited by the agency into a
 1626 trust fund for the agency's appropriate use for authorized
 1627 purposes. Counties, municipalities, and other political
 1628 subdivisions of the state may designate how such sale and
 1629 licensing proceeds are to be used. The price for the sale of and
 1630 the fee for the licensing of copyrighted data processing
 1631 software may be based on market considerations. However, the
 1632 prices or fees for the sale or licensing of copyrighted data
 1633 processing software to an individual or entity solely for
 1634 application to information maintained or generated by the agency
 1635 that created the copyrighted data processing software shall be
 1636 determined pursuant to s. 119.07 (4) ~~(1)~~.

HB 1147

2004

1637 (b) The provisions of this subsection are supplemental to,
1638 and shall not supplant or repeal, any other provision of law
1639 that authorizes an agency to acquire and hold copyrights.

1640 ~~(3) Subject to the restrictions of copyright and trade~~
1641 ~~secret laws and public records exemptions, agency use of~~
1642 ~~proprietary software must not diminish the right of the public~~
1643 ~~to inspect and copy a public record.~~

1644 ~~(4) An agency must consider when designing or acquiring an~~
1645 ~~electronic recordkeeping system that such system is capable of~~
1646 ~~providing data in some common format such as, but not limited~~
1647 ~~to, the American Standard Code for Information Interchange.~~

1648 ~~(5) Each agency that maintains a public record in an~~
1649 ~~electronic recordkeeping system shall provide to any person,~~
1650 ~~pursuant to this chapter, a copy of any public record in that~~
1651 ~~system which is not exempted by law from public disclosure. An~~
1652 ~~agency must provide a copy of the record in the medium requested~~
1653 ~~if the agency maintains the record in that medium, and the~~
1654 ~~agency may charge a fee which shall be in accordance with this~~
1655 ~~chapter. For the purpose of satisfying a public records~~
1656 ~~request, the fee to be charged by an agency if it elects to~~
1657 ~~provide a copy of a public record in a medium not routinely used~~
1658 ~~by the agency, or if it elects to compile information not~~
1659 ~~routinely developed or maintained by the agency or that requires~~
1660 ~~a substantial amount of manipulation or programming, must be in~~
1661 ~~accordance with s. 119.07(1)(b).~~

1662 ~~(6) An agency may not enter into a contract for the~~
1663 ~~creation or maintenance of a public records database if that~~
1664 ~~contract impairs the ability of the public to inspect or copy~~
1665 ~~the public records of that agency, including public records that~~

HB 1147

2004

1666 ~~are on-line or stored in an electronic recordkeeping system used~~
 1667 ~~by the agency. Such contract may not allow any impediment that~~
 1668 ~~as a practical matter makes it more difficult for the public to~~
 1669 ~~inspect or copy the records than to inspect or copy the agency's~~
 1670 ~~records. The fees and costs for the production of such records~~
 1671 ~~may not be more than the fees or costs charged by the agency.~~

1672 (3)~~(7)~~ This section is subject to the Open Government
 1673 Sunset Review Act of 1995 in accordance with s. 119.15 and shall
 1674 stand repealed on October 2, 2006, unless reviewed and saved
 1675 from repeal through reenactment by the Legislature.

1676 Section 10. Sections 119.085 and 119.09, Florida Statutes,
 1677 are repealed.

1678 Section 11. Section 119.10, Florida Statutes, is amended
 1679 to read:

1680 119.10 Violation of chapter; penalties.--

1681 (1) Any public officer who:

1682 (a) Violates any provision of this chapter commits is
 1683 ~~guilty of~~ a noncriminal infraction, punishable by fine not
 1684 exceeding \$500.

1685 (b) Knowingly violates the provisions of s. 119.07(1) is
 1686 subject to suspension and removal or impeachment and, in
 1687 addition, commits a misdemeanor of the first degree, punishable
 1688 as provided in s. 775.082 or s. 775.083.

1689 (2) Any person who willfully and knowingly violates:
 1690 ~~violating~~

1691 (a) Any of the provisions of this chapter commits is
 1692 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 1693 provided in s. 775.082 or s. 775.083.

HB 1147

2004

1694 (b)(3) ~~Section~~ ~~Any person who willfully and knowingly~~
 1695 ~~violates s.~~ 119.105 commits a felony of the third degree,
 1696 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1697 Section 12. Section 119.105, Florida Statutes, is amended
 1698 to read:

1699 119.105 Protection of victims of crimes or
 1700 accidents.--Police reports are public records except as
 1701 otherwise made exempt or confidential ~~by general or special law~~.
 1702 Every person is allowed to examine nonexempt or nonconfidential
 1703 police reports. A person who comes into possession of exempt or
 1704 confidential information contained in police reports may not use
 1705 that information for any commercial solicitation of the victims
 1706 or relatives of the victims of the reported crimes or accidents
 1707 and may not knowingly disclose such information to any third
 1708 party for the purpose of such solicitation during the period of
 1709 time that information remains exempt or confidential. This
 1710 section does not prohibit the publication of such information to
 1711 the general public by any news media legally entitled to possess
 1712 that information or the use of such information for any other
 1713 data collection or analysis purposes by those entitled to
 1714 possess that information.

1715 Section 13. Subsection (1) of section 119.12, Florida
 1716 Statutes, is amended to read:

1717 119.12 Attorney's fees.--

1718 (1) If a civil action is filed against an agency to
 1719 enforce the provisions of this chapter and if the court
 1720 determines that such agency unlawfully refused to permit a
 1721 public record to be inspected, ~~examined~~, or copied, the court
 1722 shall assess and award, against the agency responsible, the

HB 1147

2004

1723 reasonable costs of enforcement including reasonable attorneys'
 1724 fees.

1725 Section 14. Paragraph (a) of subsection (1) of section
 1726 120.55, Florida Statutes, is amended to read:

1727 120.55 Publication.--

1728 (1) The Department of State shall:

1729 (a)1. Through a continuous revision system, compile and
 1730 publish the "Florida Administrative Code." The Florida
 1731 Administrative Code shall contain ~~Publish in a permanent~~
 1732 ~~compilation entitled "Florida Administrative Code"~~ all rules
 1733 adopted by each agency, citing the specific rulemaking authority
 1734 pursuant to which each rule was adopted, all history notes as
 1735 authorized in s. 120.545(9), and complete indexes to all rules
 1736 contained in the code. Supplementation shall be made as often as
 1737 practicable, but at least monthly. The department may contract
 1738 with a publishing firm for the publication, in a timely and
 1739 useful form, of the Florida Administrative Code; however, the
 1740 department shall retain responsibility for the code as provided
 1741 in this section. This publication shall be the official
 1742 compilation of the administrative rules of this state. The
 1743 Department of State shall retain the copyright over the Florida
 1744 Administrative Code.

1745 2. Rules general in form but applicable to only one school
 1746 district, community college district, or county, or a part
 1747 thereof, or state university rules relating to internal
 1748 personnel or business and finance shall not be published in the
 1749 Florida Administrative Code. Exclusion from publication in the
 1750 Florida Administrative Code shall not affect the validity or
 1751 effectiveness of such rules.

HB 1147

2004

1752 3. At the beginning of the section of the code dealing
 1753 with an agency that files copies of its rules with the
 1754 department, the department shall publish the address and
 1755 telephone number of the executive offices of each agency, the
 1756 manner by which the agency indexes its rules, a listing of all
 1757 rules of that agency excluded from publication in the code, and
 1758 a statement as to where those rules may be inspected.

1759 4. Forms shall not be published in the Florida
 1760 Administrative Code; but any form which an agency uses in its
 1761 dealings with the public, along with any accompanying
 1762 instructions, shall be filed with the committee before it is
 1763 used. Any form or instruction which meets the definition of
 1764 "rule" provided in s. 120.52 shall be incorporated by reference
 1765 into the appropriate rule. The reference shall specifically
 1766 state that the form is being incorporated by reference and shall
 1767 include the number, title, and effective date of the form and an
 1768 explanation of how the form may be obtained.

1769 Section 15. Paragraph (b) of subsection (2) of section
 1770 257.36, Florida Statutes, is amended to read:

1771 257.36 Records and information management.--

1772 (2)

1773 (b) Title to any record detained in any records center
 1774 shall remain in the agency transferring such record to the
 1775 division. When the Legislature transfers any duty or
 1776 responsibility of an agency to another agency, the receiving
 1777 agency shall be the custodian of public records with regard to
 1778 the public records associated with that transferred duty or
 1779 responsibility and shall be responsible for the records storage
 1780 service charges of the division. If an agency is dissolved and

HB 1147

2004

1781 the legislation dissolving that agency does not assign an
 1782 existing agency as the custodian of public records for the
 1783 dissolved agency's records, then the Cabinet is the custodian of
 1784 public records for the dissolved agency unless the Cabinet
 1785 otherwise designates a custodian. The Cabinet or the agency
 1786 designated by the Cabinet shall be responsible for the records
 1787 storage service charges of the division.

1788 Section 16. Subsection (5) of section 328.15, Florida
 1789 Statutes, is amended to read:

1790 328.15 Notice of lien on vessel; recording.--

1791 (5) The Department of Highway Safety and Motor Vehicles
 1792 shall make such rules and regulations as it deems necessary or
 1793 proper for the effective administration of this law. The
 1794 department may by rule require that a notice of satisfaction of
 1795 a lien be notarized. The department shall prepare the forms of
 1796 the notice of lien and the satisfaction of lien to be supplied,
 1797 at a charge not to exceed 50 percent more than cost, to
 1798 applicants for recording the liens or satisfactions and shall
 1799 keep a ~~permanent~~ record of such notices of lien and
 1800 satisfactions available for inspection by the public at all
 1801 reasonable times. The division is authorized to furnish
 1802 certified copies of such satisfactions for a fee of \$1, which
 1803 certified copies shall be admissible in evidence in all courts
 1804 of this state under the same conditions and to the same effect
 1805 as certified copies of other public records.

1806 Section 17. Subsection (4) of section 372.5717, Florida
 1807 Statutes, is amended to read:

1808 372.5717 Hunter safety course; requirements; penalty.--

HB 1147

2004

1809 (4) The commission shall issue a permanent hunter safety
 1810 certification card to each person who successfully completes the
 1811 hunter safety course. The commission shall maintain ~~permanent~~
 1812 records of hunter safety certification cards issued and shall
 1813 establish procedures for replacing lost or destroyed cards.

1814 Section 18. Section 415.1071, Florida Statutes, is created
 1815 to read:

1816 415.1071 Release of confidential information.--

1817 (1) Any person or organization, including the Department
 1818 of Children and Family Services, may petition the court for an
 1819 order making public the records of the Department of Children
 1820 and Family Services that pertain to investigations of alleged
 1821 abuse, neglect, or exploitation of a vulnerable adult. The court
 1822 shall determine whether good cause exists for public access to
 1823 the records sought or a portion thereof. In making this
 1824 determination, the court shall balance the best interests of the
 1825 vulnerable adult who is the focus of the investigation, together
 1826 with the privacy rights of other persons identified in the
 1827 reports, against the public interest. The public interest in
 1828 access to such records is reflected in s. 119.01(1) and includes
 1829 the need for citizens to know of and adequately evaluate the
 1830 actions of the Department of Children and Family Services and
 1831 the court system in providing vulnerable adults of this state
 1832 with the protections enumerated in s. 415.101. However, this
 1833 subsection does not contravene s. 415.107, which protects the
 1834 name of any person reporting the abuse, neglect, or exploitation
 1835 of a vulnerable adult.

1836 (2) In cases involving serious bodily injury to a
 1837 vulnerable adult, the Department of Children and Family Services

HB 1147

2004

1838 may petition the court for an order for the immediate public
1839 release of records of the department which pertain to the
1840 protective investigation. The petition must be personally served
1841 upon the vulnerable adult, the vulnerable adult's legal
1842 guardian, if any, and any person named as an alleged perpetrator
1843 in the report of abuse, neglect, or exploitation. The court must
1844 determine whether good cause exists for the public release of
1845 the records sought no later than 24 hours, excluding Saturdays,
1846 Sundays, and legal holidays, after the date the department filed
1847 the petition with the court. If the court does not grant or deny
1848 the petition within the 24-hour time period, the department may
1849 release to the public summary information including:

1850 (a) A confirmation that an investigation has been
1851 conducted concerning the alleged victim.

1852 (b) The dates and a brief description of procedural
1853 activities undertaken during the department's investigation.

1854 (c) The date of each judicial proceeding, a summary of
1855 each participant's recommendations made at the judicial
1856 proceeding, and the ruling of the court.

1857
1858 The summary information shall not include the name of, or other
1859 identifying information with respect to, any person identified
1860 in any investigation. In making a determination to release
1861 confidential information, the court shall balance the best
1862 interests of the vulnerable adult who is the focus of the
1863 investigation, together with the privacy rights of other persons
1864 identified in the reports, against the public interest for
1865 access to public records. However, this subsection does not

HB 1147

2004

1866 contravene s. 415.107, which protects the name of any person
 1867 reporting abuse, neglect, or exploitation of a vulnerable adult.

1868 (3) When the court determines that good cause for public
 1869 access exists, the court shall direct that the department redact
 1870 the name of, and other identifying information with respect to,
 1871 any person identified in any protective investigation report
 1872 until such time as the court finds that there is probable cause
 1873 to believe that the person identified committed an act of
 1874 alleged abuse, neglect, or exploitation.

1875 Section 19. Subsection (2) of section 560.121, Florida
 1876 Statutes, is amended to read:

1877 560.121 Records; limited restrictions upon public
 1878 access.--

1879 (2) Examination reports, investigatory records,
 1880 applications, and related information compiled by the office, or
 1881 photographic copies thereof, shall be retained by the office for
 1882 a period of at least 3 ~~10~~ years following the date that the
 1883 examination or investigation ceases to be active. Application
 1884 records and related information compiled by the office, or
 1885 photographic copies thereof, shall be retained by the office for
 1886 a period of at least 2 years following the date that the
 1887 registration ceases to be active.

1888 Section 20. Subsection (6) of section 560.123, Florida
 1889 Statutes, is amended to read:

1890 560.123 Florida control of money laundering in the Money
 1891 Transmitters' Code; reports of transactions involving currency
 1892 or monetary instruments; when required; purpose; definitions;
 1893 penalties; corpus delicti.--

HB 1147

2004

1894 (6) The office must retain a copy of all reports received
 1895 under subsection (5) for a minimum of 3 ~~5~~ calendar years after
 1896 receipt of the report. However, if a report or information
 1897 contained in a report is known by the office to be the subject
 1898 of an existing criminal proceeding, the report must be retained
 1899 for a minimum of 10 calendar years from the date of receipt.

1900 Section 21. Subsection (4) of section 560.129, Florida
 1901 Statutes, is amended to read:

1902 560.129 Confidentiality.--

1903 (4) Examination reports, investigatory records,
 1904 applications, and related information compiled by the office, or
 1905 photographic copies thereof, shall be retained by the office for
 1906 a period of at least 3 ~~10~~ years following the date that the
 1907 examination or investigation ceases to be active. Application
 1908 records and related information compiled by the office, or
 1909 photographic copies thereof, shall be retained by the office for
 1910 a period of at least 2 years following the date that the
 1911 registration ceases to be active.

1912 Section 22. Subsection (3) of section 624.311, Florida
 1913 Statutes, is amended to read:

1914 624.311 Records; reproductions; destruction.--

1915 (3) The department, commission, and office may each
 1916 photograph, microphotograph, or reproduce on film, or maintain
 1917 in an electronic recordkeeping system ~~whereby each page will be~~
 1918 ~~reproduced in exact conformity with the original~~, all financial
 1919 records, financial statements of domestic insurers, reports of
 1920 business transacted in this state by foreign insurers and alien
 1921 insurers, reports of examination of domestic insurers, and such

HB 1147

2004

1922 other records and documents on file in its office as it may in
 1923 its discretion select.

1924 Section 23. Subsection (1) of section 624.312, Florida
 1925 Statutes, is amended to read:

1926 624.312 Reproductions and certified copies of records as
 1927 evidence.--

1928 (1) Photographs or microphotographs in the form of film or
 1929 prints, or other reproductions from an electronic recordkeeping
 1930 system, of documents and records made under s. 624.311(3), or
 1931 made under former s. 624.311(3) before October 1, 1982, shall
 1932 have the same force and effect as the originals thereof and
 1933 shall be treated as originals for the purpose of their
 1934 admissibility in evidence. Duly certified or authenticated
 1935 reproductions of such photographs or microphotographs, or other
 1936 reproductions from an electronic recordkeeping system, shall be
 1937 as admissible in evidence as the originals.

1938 Section 24. Subsection (2) of section 633.527, Florida
 1939 Statutes, is amended to read:

1940 633.527 Records concerning applicant; extent of
 1941 confidentiality.--

1942 (2) All examination test questions, answer sheets, and
 1943 grades shall be retained for a period of 2 5 years following
 1944 ~~from~~ the date of the examination.

1945 Section 25. Subsection (8) of section 655.50, Florida
 1946 Statutes, is amended to read:

1947 655.50 Florida Control of Money Laundering in Financial
 1948 Institutions Act; reports of transactions involving currency or
 1949 monetary instruments; when required; purpose; definitions;
 1950 penalties.--

HB 1147

2004

1951 ~~(8)(a) The office shall retain a copy of all reports~~
 1952 ~~received under subsection (4) for a minimum of 5 calendar years~~
 1953 ~~after receipt of the report. However, if a report or information~~
 1954 ~~contained in a report is known by the office to be the subject~~
 1955 ~~of an existing criminal proceeding, the report shall be retained~~
 1956 ~~for a minimum of 10 calendar years after receipt of the report.~~

1957 (a)(b) Each financial institution shall maintain for a
 1958 minimum of 5 calendar years full and complete records of all
 1959 financial transactions, including all records required by 31
 1960 C.F.R. parts 103.33 and 103.34.

1961 (b)(e) The financial institution shall retain a copy of
 1962 all reports filed with the office under subsection (4) for a
 1963 minimum of 5 calendar years after submission of the report.
 1964 ~~However, if a report or information contained in a report is~~
 1965 ~~known by the financial institution to be the subject of an~~
 1966 ~~existing criminal proceeding, the report shall be retained for a~~
 1967 ~~minimum of 10 calendar years after submission of the report.~~

1968 (c)(d) The financial institution shall retain a copy of
 1969 all records of exemption for each designation of exempt person
 1970 made pursuant to subsection (6) for a minimum of 5 calendar
 1971 years after termination of exempt status of such customer.
 1972 ~~However, if it is known by the financial institution that the~~
 1973 ~~customer or the transactions of the customer are the subject of~~
 1974 ~~an existing criminal proceeding, the records shall be retained~~
 1975 ~~for a minimum of 10 calendar years after termination of exempt~~
 1976 ~~status of such customer.~~

1977 Section 26. Section 945.25, Florida Statutes, is amended
 1978 to read:

1979 945.25 Records.--

HB 1147

2004

1980 (1) It shall be the duty of the Department of Corrections
 1981 to obtain and place in its ~~permanent~~ records information as
 1982 complete as practicable ~~may be practicably available~~ on every
 1983 person who may be sentenced to supervision or incarceration
 1984 under the jurisdiction of the department ~~become subject to~~
 1985 ~~parole~~. Such information shall be obtained as soon as possible
 1986 after imposition of sentence and shall, in the discretion of the
 1987 department, include, among other things:

1988 (a) A copy of the indictment or information and a complete
 1989 statement of the facts of the crime for which such person has
 1990 been sentenced.

1991 (b) The court in which the person was sentenced.

1992 (c) The terms of the sentence.

1993 (d) The name of the presiding judge, the prosecuting
 1994 officers, the investigating officers, and the attorneys for the
 1995 person convicted.

1996 (e) A copy of all probation reports which may have been
 1997 made.

1998 (f) Any social, physical, mental, psychiatric, or criminal
 1999 record of such person.

2000 ~~(2) The department, in its discretion, shall also obtain~~
 2001 ~~and place in its permanent records such information on every~~
 2002 ~~person who may be placed on probation, and on every person who~~
 2003 ~~may become subject to pardon and commutation of sentence.~~

2004 (2)(3) It shall be the duty of the court and its
 2005 prosecuting officials to furnish to the department upon its
 2006 request such information and also to furnish such copies of such
 2007 minutes and other records as may be in their possession or under
 2008 their control.

HB 1147

2004

2009 (3)~~(4)~~ Following the initial hearing provided for in s.
 2010 947.172(1), the commission shall prepare and the department
 2011 shall include in the official record a copy of the seriousness-
 2012 of-offense and favorable-parole-outcome scores and shall include
 2013 a listing of the specific factors and information used in
 2014 establishing a presumptive parole release date for the inmate.

2015 Section 27. Paragraph (e) of subsection (4) of section
 2016 985.31, Florida Statutes, is amended to read:

2017 985.31 Serious or habitual juvenile offender.--

2018 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

2019 (e) The results of any serologic blood or urine test on a
 2020 serious or habitual juvenile offender shall become a part of
 2021 that child's ~~permanent~~ medical file. Upon transfer of the child
 2022 to any other designated treatment facility, such file shall be
 2023 transferred in an envelope marked confidential. The results of
 2024 any test designed to identify the human immunodeficiency virus,
 2025 or its antigen or antibody, shall be accessible only to persons
 2026 designated by rule of the department. The provisions of such
 2027 rule shall be consistent with the guidelines established by the
 2028 Centers for Disease Control and Prevention.

2029 Section 28. Paragraph (d) of subsection (6) of section
 2030 212.095, Florida Statutes, is amended to read:

2031 212.095 Refunds.--

2032 (6)

2033 ~~(d) The department shall keep a permanent record of the~~
 2034 ~~amount of refund claimed and paid to each claimant. Such records~~
 2035 ~~shall be open to public inspection.~~

2036 Section 29. Subsection (9) of section 238.03, Florida
 2037 Statutes, is amended to read:

HB 1147

2004

2038 238.03 Administration.--

2039 ~~(9) The department is authorized to photograph and reduce~~
 2040 ~~to microfilm as a permanent record, its ledger sheets showing~~
 2041 ~~the salary and contributions of members of the retirement~~
 2042 ~~system, also the records of deceased members of the system and~~
 2043 ~~thereupon to destroy the documents from which such films are~~
 2044 ~~photographed.~~

2045 Section 30. Paragraph (f) of subsection (1) of section
 2046 23.22, Florida Statutes, is amended to read:

2047 23.22 Paperwork reduction; activities of departments.--

2048 (1) In order to reduce the amount of paperwork associated
 2049 with the collection of information from individuals, private-
 2050 sector organizations, and local governments and to provide more
 2051 efficient and effective assistance to such individuals and
 2052 organizations in completing necessary paperwork required by the
 2053 government, each department head shall, to the extent feasible:

2054 (f) Collaborate with the Division of Library and
 2055 Information Services, pursuant to s. 119.021(2) ~~119.09~~, to
 2056 identify and index records retention requirements placed on
 2057 private-sector organizations and local governments in Florida,
 2058 clarify and reduce the requirements, and educate the affected
 2059 entities through various communications media, including voice,
 2060 data, video, radio, and image.

2061 Section 31. Subsection (2) of section 27.02, Florida
 2062 Statutes, is amended to read:

2063 27.02 Duties before court.--

2064 (2) The state attorney shall provide to the defendant all
 2065 discovery materials required pursuant to the applicable rule of
 2066 procedure and may charge fees as provided for in s.

HB 1147

2004

2067 119.07(4)~~(1)(a)~~, not to exceed 15 cents per page for a copy of a
 2068 noncertified copy of a public record. However, these fees may be
 2069 deferred if the defendant has been determined to be indigent as
 2070 provided in s. 27.52.

2071 Section 32. Paragraph (d) of subsection (1) of section
 2072 101.5607, Florida Statutes, is amended to read:

2073 101.5607 Department of State to maintain voting system
 2074 information; prepare software.--

2075 (1)

2076 (d) Section 119.07(6)~~(3)~~(o) applies to all software on
 2077 file with the Department of State.

2078 Section 33. Paragraph (b) of subsection (2) of section
 2079 112.533, Florida Statutes, is amended to read:

2080 112.533 Receipt and processing of complaints.--

2081 (2)

2082 (b) This subsection does not apply to any public record
 2083 which is exempt from public disclosure pursuant to s.
 2084 119.07(6)~~(3)~~. For the purposes of this subsection, an
 2085 investigation shall be considered active as long as it is
 2086 continuing with a reasonable, good faith anticipation that an
 2087 administrative finding will be made in the foreseeable future.
 2088 An investigation shall be presumed to be inactive if no finding
 2089 is made within 45 days after the complaint is filed.

2090 Section 34. Paragraph (e) of subsection (2) of section
 2091 1012.31, Florida Statutes, is amended to read:

2092 1012.31 Personnel files.--Public school system employee
 2093 personnel files shall be maintained according to the following
 2094 provisions:

2095 (2)

HB 1147

2004

2096 (e) Upon request, an employee, or any person designated in
 2097 writing by the employee, shall be permitted to examine the
 2098 personnel file of such employee. The employee shall be
 2099 permitted conveniently to reproduce any materials in the file,
 2100 at a cost no greater than the fees prescribed in s.
 2101 119.07(4)~~(1)~~.

2102 Section 35. Subsection (1) of section 257.34, Florida
 2103 Statutes, is amended to read:

2104 257.34 Florida International Archive and Repository.--

2105 (1) There is created within the Division of Library and
 2106 Information Services of the Department of State the Florida
 2107 International Archive and Repository for the preservation of
 2108 those public records, as defined in s. 119.011(11)~~(1)~~,
 2109 manuscripts, international judgments involving disputes between
 2110 domestic and foreign businesses, and all other public matters
 2111 that the department or the Florida Council of International
 2112 Development deems relevant to international issues. It is the
 2113 duty and responsibility of the division to:

2114 (a) Organize and administer the Florida International
 2115 Archive and Repository.

2116 (b) Preserve and administer records that are transferred
 2117 to its custody; accept, arrange, and preserve them, according to
 2118 approved archival and repository practices; and permit them, at
 2119 reasonable times and under the supervision of the division, to
 2120 be inspected, ~~examined~~, and copied. All public records
 2121 transferred to the custody of the division are subject to the
 2122 provisions of s. 119.07(1).

2123 (c) Assist the records and information management program
 2124 in the determination of retention values for records.

HB 1147

2004

2125 (d) Cooperate with and assist, insofar as practicable,
 2126 state institutions, departments, agencies, counties,
 2127 municipalities, and individuals engaged in internationally
 2128 related activities.

2129 (e) Provide a public research room where, under rules
 2130 established by the division, the materials in the international
 2131 archive and repository may be studied.

2132 (f) Conduct, promote, and encourage research in
 2133 international trade, government, and culture and maintain a
 2134 program of information, assistance, coordination, and guidance
 2135 for public officials, educational institutions, libraries, the
 2136 scholarly community, and the general public engaged in such
 2137 research.

2138 (g) Cooperate with and, insofar as practicable, assist
 2139 agencies, libraries, institutions, and individuals in projects
 2140 concerned with internationally related issues and preserve
 2141 original materials relating to internationally related issues.

2142 (h) Assist and cooperate with the records and information
 2143 management program in the training and information program
 2144 described in s. 257.36(1)(g).

2145 Section 36. Subsection (1) of section 257.35, Florida
 2146 Statutes, is amended to read:

2147 257.35 Florida State Archives.--

2148 (1) There is created within the Division of Library and
 2149 Information Services of the Department of State the Florida
 2150 State Archives for the preservation of those public records, as
 2151 defined in s. 119.011(11)(~~1~~), manuscripts, and other archival
 2152 material that have been determined by the division to have
 2153 sufficient historical or other value to warrant their continued

HB 1147

2004

2154 preservation and have been accepted by the division for deposit
 2155 in its custody. It is the duty and responsibility of the
 2156 division to:

2157 (a) Organize and administer the Florida State Archives.

2158 (b) Preserve and administer such records as shall be
 2159 transferred to its custody; accept, arrange, and preserve them,
 2160 according to approved archival practices; and permit them, at
 2161 reasonable times and under the supervision of the division, to
 2162 be inspected, ~~examined~~, and copied. All public records
 2163 transferred to the custody of the division shall be subject to
 2164 the provisions of s. 119.07(1), except that any public record or
 2165 other record provided by law to be confidential or prohibited
 2166 from inspection by the public shall be made accessible only
 2167 after a period of 50 years from the date of the creation of the
 2168 record. Any nonpublic manuscript or other archival material
 2169 which is placed in the keeping of the division under special
 2170 terms and conditions, shall be made accessible only in
 2171 accordance with such law terms and conditions and shall be
 2172 exempt from the provisions of s. 119.07(1) to the extent
 2173 necessary to meet the terms and conditions for a nonpublic
 2174 manuscript or other archival material.

2175 (c) Assist the records and information management program
 2176 in the determination of retention values for records.

2177 (d) Cooperate with and assist insofar as practicable state
 2178 institutions, departments, agencies, counties, municipalities,
 2179 and individuals engaged in activities in the field of state
 2180 archives, manuscripts, and history and accept from any person
 2181 any paper, book, record, or similar material which in the

HB 1147

2004

2182 judgment of the division warrants preservation in the state
2183 archives.

2184 (e) Provide a public research room where, under rules
2185 established by the division, the materials in the state archives
2186 may be studied.

2187 (f) Conduct, promote, and encourage research in Florida
2188 history, government, and culture and maintain a program of
2189 information, assistance, coordination, and guidance for public
2190 officials, educational institutions, libraries, the scholarly
2191 community, and the general public engaged in such research.

2192 (g) Cooperate with and, insofar as practicable, assist
2193 agencies, libraries, institutions, and individuals in projects
2194 designed to preserve original source materials relating to
2195 Florida history, government, and culture and prepare and publish
2196 handbooks, guides, indexes, and other literature directed toward
2197 encouraging the preservation and use of the state's documentary
2198 resources.

2199 (h) Encourage and initiate efforts to preserve, collect,
2200 process, transcribe, index, and research the oral history of
2201 Florida government.

2202 (i) Assist and cooperate with the records and information
2203 management program in the training and information program
2204 described in s. 257.36(1)(g).

2205 Section 37. Section 282.21, Florida Statutes, is amended
2206 to read:

2207 282.21 The State Technology Office's electronic access
2208 services.--The State Technology Office may collect fees for
2209 providing remote electronic access pursuant to s. 119.01(2)(f)
2210 ~~119.085~~. The fees may be imposed on individual transactions or

HB 1147

2004

2211 as a fixed subscription for a designated period of time. All
 2212 fees collected under this section shall be deposited in the
 2213 appropriate trust fund of the program or activity that made the
 2214 remote electronic access available.

2215 Section 38. Paragraph (h) of subsection (2) of section
 2216 287.0943, Florida Statutes, is amended to read:

2217 287.0943 Certification of minority business enterprises.--
 2218 (2)

2219 (h) The certification procedures should allow an applicant
 2220 seeking certification to designate on the application form the
 2221 information the applicant considers to be proprietary,
 2222 confidential business information. As used in this paragraph,
 2223 "proprietary, confidential business information" includes, but
 2224 is not limited to, any information that would be exempt from
 2225 public inspection pursuant to the provisions of s. 119.07(6)~~(3)~~;
 2226 trade secrets; internal auditing controls and reports; contract
 2227 costs; or other information the disclosure of which would injure
 2228 the affected party in the marketplace or otherwise violate s.
 2229 286.041. The executor in receipt of the application shall issue
 2230 written and final notice of any information for which
 2231 noninspection is requested but not provided for by law.

2232 Section 39. Subsection (1) of section 320.05, Florida
 2233 Statutes, is amended to read:

2234 320.05 Records of the department; inspection procedure;
 2235 lists and searches; fees.--

2236 (1) Except as provided in ss. 119.07(6)~~(3)~~ and 320.025(3),
 2237 the department may release records as provided in this section.

2238 Section 40. Subsection (8) of section 322.20, Florida
 2239 Statutes, is amended to read:

HB 1147

2004

2240 322.20 Records of the department; fees; destruction of
 2241 records.--

2242 (8) Except as provided in s. 119.07(6)(~~3~~), the department
 2243 may release records as provided in this section.

2244 Section 41. Paragraph (b) of subsection (2) of section
 2245 338.223, Florida Statutes, is amended to read:

2246 338.223 Proposed turnpike projects.--

2247 (2)

2248 (b) In accordance with the legislative intent expressed in
 2249 s. 337.273, and after the requirements of paragraph (1)(c) have
 2250 been met, the department may acquire lands and property before
 2251 making a final determination of the economic feasibility of a
 2252 project. The requirements of paragraph (1)(c) do not apply to
 2253 hardship and protective purchases of advance right-of-way by the
 2254 department. The cost of advance acquisition of right-of-way may
 2255 be paid from bonds issued under s. 337.276 or from turnpike
 2256 revenues. For purposes of this paragraph, the term "hardship
 2257 purchase" means purchase from a property owner of a residential
 2258 dwelling of not more than four units who is at a disadvantage
 2259 due to health impairment, job loss, or significant loss of
 2260 rental income. For purposes of this paragraph, the term
 2261 "protective purchase" means that a purchase to limit
 2262 development, building, or other intensification of land uses
 2263 within the area right-of-way is needed for transportation
 2264 facilities. The department shall give written notice to the
 2265 Department of Environmental Protection 30 days before final
 2266 agency acceptance as set forth in s. 119.07(6)(~~3~~)(n), which
 2267 notice shall allow the Department of Environmental Protection to
 2268 comment. Hardship and protective purchases of right-of-way shall

HB 1147

2004

2269 not influence the environmental feasibility of a project,
 2270 including the decision relative to the need to construct the
 2271 project or the selection of a specific location. Costs to
 2272 acquire and dispose of property acquired as hardship and
 2273 protective purchases are considered costs of doing business for
 2274 the department and are not to be considered in the determination
 2275 of environmental feasibility for the project.

2276 Section 42. Subsection (5) of section 401.27, Florida
 2277 Statutes, is amended to read:

2278 401.27 Personnel; standards and certification.--

2279 (5) The certification examination must be offered monthly.

2280 The department shall issue an examination admission notice to
 2281 the applicant advising him or her of the time and place of the
 2282 examination for which he or she is scheduled. Individuals
 2283 achieving a passing score on the certification examination may
 2284 be issued a temporary certificate with their examination grade
 2285 report. The department must issue an original certification
 2286 within 45 days after the examination. Examination questions and
 2287 answers are not subject to discovery but may be introduced into
 2288 evidence and considered only in camera in any administrative
 2289 proceeding under chapter 120. If an administrative hearing is
 2290 held, the department shall provide challenged examination
 2291 questions and answers to the administrative law judge. The
 2292 department shall establish by rule the procedure by which an
 2293 applicant, and the applicant's attorney, may review examination
 2294 questions and answers in accordance with s. 119.07 (6) ~~(3)~~ (a).

2295 Section 43. Section 409.2577, Florida Statutes, is amended
 2296 to read:

HB 1147

2004

2297 409.2577 Parent locator service.--The department shall
 2298 establish a parent locator service to assist in locating parents
 2299 who have deserted their children and other persons liable for
 2300 support of dependent children. The department shall use all
 2301 sources of information available, including the Federal Parent
 2302 Locator Service, and may request and shall receive information
 2303 from the records of any person or the state or any of its
 2304 political subdivisions or any officer thereof. Any agency as
 2305 defined in s. 120.52, any political subdivision, and any other
 2306 person shall, upon request, provide the department any
 2307 information relating to location, salary, insurance, social
 2308 security, income tax, and employment history necessary to locate
 2309 parents who owe or potentially owe a duty of support pursuant to
 2310 Title IV-D of the Social Security Act. This provision shall
 2311 expressly take precedence over any other statutory nondisclosure
 2312 provision which limits the ability of an agency to disclose such
 2313 information, except that law enforcement information as provided
 2314 in s. 119.07(6)~~(3)~~(i) is not required to be disclosed, and
 2315 except that confidential taxpayer information possessed by the
 2316 Department of Revenue shall be disclosed only to the extent
 2317 authorized in s. 213.053(15). Nothing in this section requires
 2318 the disclosure of information if such disclosure is prohibited
 2319 by federal law. Information gathered or used by the parent
 2320 locator service is confidential and exempt from the provisions
 2321 of s. 119.07(1). Additionally, the department is authorized to
 2322 collect any additional information directly bearing on the
 2323 identity and whereabouts of a person owing or asserted to be
 2324 owing an obligation of support for a dependent child. The
 2325 department shall, upon request, make information available only

HB 1147

2004

2326 to public officials and agencies of this state; political
 2327 subdivisions of this state, including any agency thereof
 2328 providing child support enforcement services to non-Title IV-D
 2329 clients; the custodial parent, legal guardian, attorney, or
 2330 agent of the child; and other states seeking to locate parents
 2331 who have deserted their children and other persons liable for
 2332 support of dependents, for the sole purpose of establishing,
 2333 modifying, or enforcing their liability for support, and shall
 2334 make such information available to the Department of Children
 2335 and Family Services for the purpose of diligent search
 2336 activities pursuant to chapter 39. If the department has
 2337 reasonable evidence of domestic violence or child abuse and the
 2338 disclosure of information could be harmful to the custodial
 2339 parent or the child of such parent, the child support program
 2340 director or designee shall notify the Department of Children and
 2341 Family Services and the Secretary of the United States
 2342 Department of Health and Human Services of this evidence. Such
 2343 evidence is sufficient grounds for the department to disapprove
 2344 an application for location services.

2345 Section 44. Subsection (6) of section 455.219, Florida
 2346 Statutes, is amended to read:

2347 455.219 Fees; receipts; disposition; periodic management
 2348 reports.--

2349 (6) The department or the appropriate board shall charge a
 2350 fee not to exceed \$25 for the certification of a public record.

2351 The fee shall be determined by rule of the department. The
 2352 department or the appropriate board shall assess a fee for
 2353 duplication of a public record as provided in s. 119.07 (4) ~~(1)(a)~~
 2354 ~~and (b)~~.

HB 1147

2004

2355 Section 45. Subsection (11) of section 456.025, Florida
 2356 Statutes, is amended to read:

2357 456.025 Fees; receipts; disposition.--

2358 (11) The department or the appropriate board shall charge
 2359 a fee not to exceed \$25 for the certification of a public
 2360 record. The fee shall be determined by rule of the department.
 2361 The department or the appropriate board shall assess a fee for
 2362 duplicating a public record as provided in s. 119.07(4)~~(1)(a)~~
 2363 and ~~(b)~~.

2364 Section 46. Paragraph (b) of subsection (4) of section
 2365 627.311, Florida Statutes, is amended to read:

2366 627.311 Joint underwriters and joint reinsurers; public
 2367 records and public meetings exemptions.--

2368 (4) The Florida Automobile Joint Underwriting Association:

2369 (b) Shall keep portions of association meetings during
 2370 which confidential and exempt underwriting files or confidential
 2371 and exempt claims files are discussed exempt from the provisions
 2372 of s. 286.011 and s. 24(b), Art. I of the State Constitution.
 2373 All closed portions of association meetings shall be recorded by
 2374 a court reporter. The court reporter shall record the times of
 2375 commencement and termination of the meeting, all discussion and
 2376 proceedings, the names of all persons present at any time, and
 2377 the names of all persons speaking. No portion of any closed
 2378 meeting shall be off the record. Subject to the provisions of
 2379 this paragraph and s. 119.07(1)(b)-(d)~~(2)(a)~~, the court
 2380 reporter's notes of any closed meeting shall be retained by the
 2381 association for a minimum of 5 years. A copy of the transcript,
 2382 less any confidential and exempt information, of any closed
 2383 meeting during which confidential and exempt claims files are

HB 1147

2004

2384 discussed shall become public as to individual claims files
 2385 after settlement of that claim.

2386 Section 47. Paragraph (n) of subsection (6) of section
 2387 627.351, Florida Statutes, is amended to read:

2388 627.351 Insurance risk apportionment plans.--

2389 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

2390 (n)1. The following records of the corporation are
 2391 confidential and exempt from the provisions of s. 119.07(1) and
 2392 s. 24(a), Art. I of the State Constitution:

2393 a. Underwriting files, except that a policyholder or an
 2394 applicant shall have access to his or her own underwriting
 2395 files.

2396 b. Claims files, until termination of all litigation and
 2397 settlement of all claims arising out of the same incident,
 2398 although portions of the claims files may remain exempt, as
 2399 otherwise provided by law. Confidential and exempt claims file
 2400 records may be released to other governmental agencies upon
 2401 written request and demonstration of need; such records held by
 2402 the receiving agency remain confidential and exempt as provided
 2403 for herein.

2404 c. Records obtained or generated by an internal auditor
 2405 pursuant to a routine audit, until the audit is completed, or if
 2406 the audit is conducted as part of an investigation, until the
 2407 investigation is closed or ceases to be active. An
 2408 investigation is considered "active" while the investigation is
 2409 being conducted with a reasonable, good faith belief that it
 2410 could lead to the filing of administrative, civil, or criminal
 2411 proceedings.

HB 1147

2004

2412 d. Matters reasonably encompassed in privileged attorney-
 2413 client communications.

2414 e. Proprietary information licensed to the corporation
 2415 under contract and the contract provides for the confidentiality
 2416 of such proprietary information.

2417 f. All information relating to the medical condition or
 2418 medical status of a corporation employee which is not relevant
 2419 to the employee's capacity to perform his or her duties, except
 2420 as otherwise provided in this paragraph. Information which is
 2421 exempt shall include, but is not limited to, information
 2422 relating to workers' compensation, insurance benefits, and
 2423 retirement or disability benefits.

2424 g. Upon an employee's entrance into the employee
 2425 assistance program, a program to assist any employee who has a
 2426 behavioral or medical disorder, substance abuse problem, or
 2427 emotional difficulty which affects the employee's job
 2428 performance, all records relative to that participation shall be
 2429 confidential and exempt from the provisions of s. 119.07(1) and
 2430 s. 24(a), Art. I of the State Constitution, except as otherwise
 2431 provided in s. 112.0455(11).

2432 h. Information relating to negotiations for financing,
 2433 reinsurance, depopulation, or contractual services, until the
 2434 conclusion of the negotiations.

2435 i. Minutes of closed meetings regarding underwriting
 2436 files, and minutes of closed meetings regarding an open claims
 2437 file until termination of all litigation and settlement of all
 2438 claims with regard to that claim, except that information
 2439 otherwise confidential or exempt by law will be redacted.

2440

HB 1147

2004

2441 When an authorized insurer is considering underwriting a risk
 2442 insured by the corporation, relevant underwriting files and
 2443 confidential claims files may be released to the insurer
 2444 provided the insurer agrees in writing, notarized and under
 2445 oath, to maintain the confidentiality of such files. When a
 2446 file is transferred to an insurer that file is no longer a
 2447 public record because it is not held by an agency subject to the
 2448 provisions of the public records law. Underwriting files and
 2449 confidential claims files may also be released to staff of and
 2450 the board of governors of the market assistance plan established
 2451 pursuant to s. 627.3515, who must retain the confidentiality of
 2452 such files, except such files may be released to authorized
 2453 insurers that are considering assuming the risks to which the
 2454 files apply, provided the insurer agrees in writing, notarized
 2455 and under oath, to maintain the confidentiality of such files.
 2456 Finally, the corporation or the board or staff of the market
 2457 assistance plan may make the following information obtained from
 2458 underwriting files and confidential claims files available to
 2459 licensed general lines insurance agents: name, address, and
 2460 telephone number of the residential property owner or insured;
 2461 location of the risk; rating information; loss history; and
 2462 policy type. The receiving licensed general lines insurance
 2463 agent must retain the confidentiality of the information
 2464 received.

2465 2. Portions of meetings of the corporation are exempt from
 2466 the provisions of s. 286.011 and s. 24(b), Art. I of the State
 2467 Constitution wherein confidential underwriting files or
 2468 confidential open claims files are discussed. All portions of
 2469 corporation meetings which are closed to the public shall be

HB 1147

2004

2470 recorded by a court reporter. The court reporter shall record
 2471 the times of commencement and termination of the meeting, all
 2472 discussion and proceedings, the names of all persons present at
 2473 any time, and the names of all persons speaking. No portion of
 2474 any closed meeting shall be off the record. Subject to the
 2475 provisions hereof and s. 119.07(1)(b)-(d)~~(2)(a)~~, the court
 2476 reporter's notes of any closed meeting shall be retained by the
 2477 corporation for a minimum of 5 years. A copy of the transcript,
 2478 less any exempt matters, of any closed meeting wherein claims
 2479 are discussed shall become public as to individual claims after
 2480 settlement of the claim.

2481 Section 48. Subsection (1) of section 633.527, Florida
 2482 Statutes, is amended to read:

2483 633.527 Records concerning applicant; extent of
 2484 confidentiality.--

2485 (1) Test material is made confidential by s.
 2486 119.07(6)~~(3)~~(a). An applicant may waive in writing the
 2487 confidentiality of his or her examination answer sheet for the
 2488 purpose of discussion with the State Fire Marshal or his or her
 2489 staff.

2490 Section 49. Paragraph (m) of subsection (2) of section
 2491 668.50, Florida Statutes, is amended to read:

2492 668.50 Uniform Electronic Transaction Act.--

2493 (2) DEFINITIONS.--As used in this section:

2494 (m) "Record" means information that is inscribed on a
 2495 tangible medium or that is stored in an electronic or other
 2496 medium and is retrievable in perceivable form, including public
 2497 records as defined in s. 119.011(11)~~(1)~~.

HB 1147

2004

2498 Section 50. Subsection (1) of section 794.024, Florida
 2499 Statutes, is amended to read:

2500 794.024 Unlawful to disclose identifying information.--

2501 (1) A public employee or officer who has access to the
 2502 photograph, name, or address of a person who is alleged to be
 2503 the victim of an offense described in this chapter, chapter 800,
 2504 s. 827.03, s. 827.04, or s. 827.071 may not willfully and
 2505 knowingly disclose it to a person who is not assisting in the
 2506 investigation or prosecution of the alleged offense or to any
 2507 person other than the defendant, the defendant's attorney, a
 2508 person specified in an order entered by the court having
 2509 jurisdiction of the alleged offense, or organizations authorized
 2510 to receive such information made exempt by s. 119.07~~(6)~~~~(3)~~(f),
 2511 or to a rape crisis center or sexual assault counselor, as
 2512 defined in s. 90.5035(1)(b), who will be offering services to
 2513 the victim.

2514 Section 51. Paragraph (c) of subsection (3) of section
 2515 921.0022, Florida Statutes, is amended to read:

2516 921.0022 Criminal Punishment Code; offense severity
 2517 ranking chart.--

2518 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

2519 (c) LEVEL 3

119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
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316.066(3)(d)-	3rd	Unlawfully obtaining or using
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HB 1147
(f)

2004

2522			confidential crash reports.
	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
2523			
	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
2524			
	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2525			
	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2526			
	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
2527			
	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2528			
	327.35(2)(b)	3rd	Felony BUI.
2529			
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2530			
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

HB 1147

2004

2531	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
2532	370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
2533	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2534	400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
2535	440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
2536	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2537	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially

HB 1147

2004

			false/misleading information.
2538	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
2539	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2540	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
2541	697.08	3rd	Equity skimming.
2542	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
2543	796.05(1)	3rd	Live on earnings of a prostitute.
2544	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2545	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
2546	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2547	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.

HB 1147

2004

2548	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2549	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
2550	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2551	817.233	3rd	Burning to defraud insurer.
2552	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2553	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
2554	817.236	3rd	Filing a false motor vehicle insurance application.
2555	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2556	817.413(2)	3rd	Sale of used goods as new.
2557	817.505(4)	3rd	Patient brokering.
2558	828.12(2)	3rd	Tortures any animal with intent to

HB 1147

2004

			inflict intense pain, serious physical injury, or death.
2559	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2560	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
2561	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
2562	843.19	3rd	Injure, disable, or kill police dog or horse.
2563	860.15(3)	3rd	Overcharging for repairs and parts.
2564	870.01(2)	3rd	Riot; inciting or encouraging.
2565	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
2566	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs

HB 1147

2004

2567	893.13(1)(f)2.	2nd	within 1,000 feet of university.
2568	893.13(6)(a)	3rd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
2569	893.13(7)(a)8.	3rd	Possession of any controlled substance other than felony possession of cannabis.
2570	893.13(7)(a)9.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
2571	893.13(7)(a)10.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2572	893.13(7)(a)11.	3rd	Affix false or forged label to package of controlled substance.
2573	893.13(8)(a)1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in

HB 1147

2004

2574	893.13(8)(a)2.	3rd	obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
2575	893.13(8)(a)3.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
2576	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
2577	918.13(1)(a)	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
2578	944.47(1)(a)1.- 2.	3rd	Alter, destroy, or conceal investigation evidence.
2579	944.47(1)(c)	2nd	Introduce contraband to correctional facility.
2580	985.3141	3rd	Possess contraband while upon the grounds of a correctional institution.
			Escapes from a juvenile facility

HB 1147

2004

(secure detention or residential
commitment facility).

2581 Section 52. For the purpose of incorporating the amendment
2582 to section 945.25, Florida Statutes, in a reference thereto,
2583 paragraph (a) of subsection (2) of section 947.13, Florida
2584 Statutes, is reenacted to read:

2585 947.13 Powers and duties of commission.--

2586 (2)(a) The commission shall immediately examine records of
2587 the department under s. 945.25, and any other records which it
2588 obtains, and may make such other investigations as may be
2589 necessary.

2590 Section 53. Section 430.015, Florida Statutes, is
2591 repealed.

2592 Section 54. Section 440.132, Florida Statutes, is amended
2593 to read:

2594 440.132 Investigatory records relating to workers'
2595 compensation managed care arrangements; confidentiality.--

2596 ~~(1)~~ All investigatory records of the Agency for Health
2597 Care Administration made or received pursuant to s. 440.134 and
2598 any examination records necessary to complete an investigation
2599 are confidential and exempt from the provisions of s. 119.07(1)
2600 and s. 24(a), Art. I of the State Constitution until the
2601 investigation is completed or ceases to be active, except that
2602 portions of medical records which specifically identify patients
2603 must remain confidential and exempt. An investigation is
2604 considered "active" while such investigation is being conducted
2605 by the agency with a reasonable, good faith belief that it may
2606 lead to the filing of administrative, civil, or criminal
2607 proceedings. An investigation does not cease to be active if the

HB 1147

2004

2608 agency is proceeding with reasonable dispatch and there is good
 2609 faith belief that action may be initiated by the agency or other
 2610 administrative or law enforcement agency.

2611 ~~(2) The Legislature finds that it is a public necessity~~
 2612 ~~that these investigatory and examination records be held~~
 2613 ~~confidential and exempt during an investigation in order not to~~
 2614 ~~compromise the investigation and disseminate potentially~~
 2615 ~~inaccurate information. To the extent this information is made~~
 2616 ~~available to the public, those persons being investigated will~~
 2617 ~~have access to such information which would potentially defeat~~
 2618 ~~the purpose of the investigation. This would impede the~~
 2619 ~~effective and efficient operation of investigatory governmental~~
 2620 ~~functions.~~

2621 Section 55. Sections 723.0065 and 768.301, Florida
 2622 Statutes, are repealed.

2623 Section 56. Paragraph (a) of subsection (7) of section
 2624 943.031, Florida Statutes, is amended to read:

2625 943.031 Florida Violent Crime and Drug Control
 2626 Council.--The Legislature finds that there is a need to develop
 2627 and implement a statewide strategy to address violent criminal
 2628 activity and drug control efforts by state and local law
 2629 enforcement agencies, including investigations of illicit money
 2630 laundering. In recognition of this need, the Florida Violent
 2631 Crime and Drug Control Council is created within the department.
 2632 The council shall serve in an advisory capacity to the
 2633 department.

2634 (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL MEETINGS
 2635 AND RECORDS.--

HB 1147

2004

2636 (a)~~1~~. The Legislature finds that during limited portions
 2637 of the meetings of the Florida Violent Crime and Drug Control
 2638 Council it is necessary that the council be presented with and
 2639 discuss details, information, and documents related to active
 2640 criminal investigations or matters constituting active criminal
 2641 intelligence, as those concepts are defined by s. 119.011. These
 2642 presentations and discussions are necessary for the council to
 2643 make its funding decisions as required by the Legislature. The
 2644 Legislature finds that to reveal the contents of documents
 2645 containing active criminal investigative or intelligence
 2646 information or to allow active criminal investigative or active
 2647 criminal intelligence matters to be discussed in a meeting open
 2648 to the public negatively impacts the ability of law enforcement
 2649 agencies to efficiently continue their investigative or
 2650 intelligence gathering activities. The Legislature finds that
 2651 information coming before the council that pertains to active
 2652 criminal investigations or intelligence should remain
 2653 confidential and exempt from public disclosure. The Legislature
 2654 finds that the Florida Violent Crime and Drug Control Council
 2655 may, by declaring only those portions of council meetings in
 2656 which active criminal investigative or active criminal
 2657 intelligence information is to be presented or discussed closed
 2658 to the public, assure an appropriate balance between the policy
 2659 of this state that meetings be public and the policy of this
 2660 state to facilitate efficient law enforcement efforts.

2661 ~~2. The Legislature finds that it is a public necessity~~
 2662 ~~that portions of the meetings of the Florida Violent Crime and~~
 2663 ~~Drug Control Council be closed when the confidential details,~~
 2664 ~~information, and documents related to active criminal~~

HB 1147

2004

2665 ~~investigations or matters constituting active criminal~~
2666 ~~intelligence are discussed. The Legislature further finds that~~
2667 ~~it is no less a public necessity that portions of public records~~
2668 ~~generated at closed council meetings, such as tape recordings,~~
2669 ~~minutes, and notes, memorializing the discussions regarding such~~
2670 ~~confidential details, information, and documents related to~~
2671 ~~active criminal investigations or matters constituting active~~
2672 ~~criminal intelligence, also shall be held confidential.~~

2673 Section 57. This act shall take effect October 1, 2004.