

By the Committee on Governmental Oversight and Productivity

302-1035B-04

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

1 the Department of State to adopt rules for
2 retaining and disposing of public records;
3 authorizing the division to provide for
4 archiving certain noncurrent records; providing
5 for the destruction of certain records and the
6 continued maintenance of certain records;
7 providing for the disposition of records at the
8 end of an official's term of office; requiring
9 that a custodian of public records demand
10 delivery of records held unlawfully; repealing
11 ss. 119.031, 119.041, 119.05, and 119.06, F.S.,
12 relating to the retention and disposal of
13 public records and the delivery of records held
14 unlawfully; amending s. 119.07, F.S.; revising
15 provisions governing the inspection and copying
16 of public records; establishing fees for
17 copying; providing requirements for making
18 photographs; authorizing additional means of
19 copying; repealing s. 119.08, F.S., relating to
20 requirements for making photographs of public
21 records; amending s. 119.084, F.S.; deleting
22 certain provisions governing the maintenance of
23 public records in an electronic recordkeeping
24 system; repealing ss. 119.085 and 119.09, F.S.,
25 relating to remote electronic access to public
26 records and the program for records and
27 information management of the Department of
28 State; amending s. 119.10, F.S.; clarifying
29 provisions with respect to penalties for
30 violations of ch. 119, F.S.; amending s.
31 119.105, F.S.; clarifying provisions under

1 which certain police reports may be exempt from
2 the public records law; amending s. 120.55,
3 F.S.; revising provisions with respect to
4 publication of the Florida Administrative Code
5 to provide that the Department of State is
6 required to compile and publish the code
7 through a continuous revision system; amending
8 s. 257.36, F.S.; providing procedures with
9 respect to the official custody of records upon
10 the transfer of duties or responsibilities
11 between state agencies or the dissolution of a
12 state agency; amending s. 328.15, F.S.;
13 revising the classification of records of
14 notices and satisfaction of liens on vessels
15 maintained by the Department of Highway Safety
16 and Motor Vehicles; amending s. 372.5717, F.S.;
17 revising the classification of records of
18 hunter safety certification cards maintained by
19 the Fish and Wildlife Conservation Commission;
20 creating s. 415.1071, F.S.; authorizing a
21 petition for an order making public certain
22 investigatory records of the Department of
23 Children and Family Services; amending s.
24 560.121, F.S.; decreasing and qualifying the
25 period of retention for examination reports,
26 investigatory records, applications,
27 application records, and related information
28 compiled by the Department of Banking and
29 Finance under the Money Transmitters' Code;
30 amending s. 560.123, F.S.; decreasing the
31 period of retention for specified reports filed

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

1 Control of Money Laundering in Financial
2 Institutions Act; amending s. 945.25, F.S.;
3 requiring the Department of Corrections to
4 obtain and place in its records specified
5 information on every person who may be
6 sentenced to supervision or incarceration under
7 the jurisdiction of the department; eliminating
8 a requirement of the department, in its
9 discretion, to obtain and place in its
10 permanent records specified information on
11 persons placed on probation and on persons who
12 may become subject to pardon and commutation of
13 sentence; amending s. 985.31, F.S.; revising
14 the classification of specified medical files
15 of serious or habitual juvenile offenders;
16 repealing s. 212.095(6)(d), F.S., which
17 requires the Department of Revenue to keep a
18 permanent record of the amounts of refunds
19 claimed and paid under ch. 212, F.S., and which
20 requires that such records shall be open to
21 public inspection; repealing s. 238.03(9),
22 F.S., relating to the authority of the
23 Department of Management Services to photograph
24 and reduce to microfilm as a permanent record
25 its ledger sheets showing the salaries and
26 contributions of members of the Teachers'
27 Retirement System of Florida, the records of
28 deceased members of the system, and the
29 authority to destroy the documents from which
30 such films derive; amending ss. 23.22,
31 101.5607, 112.533, 1012.31, 257.34, 257.35,

1 282.21, 287.0943, 320.05, 322.20, 338.223,
2 378.406, 400.0077, 401.27, 403.111, 409.2577,
3 455.219, 456.025, 627.311, 627.351, 633.527,
4 668.50, and 794.024, F.S.; conforming
5 cross-references; reenacting s. 947.13(2)(a),
6 F.S., relating to the duty of the Parole
7 Commission to examine specified records, to
8 incorporate the amendment to s. 945.25, F.S.,
9 in a reference thereto; repealing s. 430.015,
10 F.S.; removing a public necessity statement for
11 a public records exemption for identifying
12 information contained in records of elderly
13 persons collected and held by the Department of
14 Elderly Affairs; amending s. 440.132, F.S.;
15 removing a public necessity statement for a
16 public records exemption for investigatory
17 records of the Agency for Health Care
18 Administration made or received pursuant to a
19 workers' compensation managed care arrangement
20 and examination records necessary to complete
21 an investigation; repealing s. 723.0065, F.S.;
22 removing a public necessity statement for a
23 public records exemption for specified
24 financial records of mobile home park owners
25 acquired by the Division of Florida Land Sales,
26 Condominiums, and Mobile Homes of the
27 Department of Business and Professional
28 Regulation, and the Bureau of Mobile Homes of
29 the division; repealing s. 768.301, F.S.;
30 removing a public necessity statement for a
31 public records exemption for certain claims

1 files records and minutes of meetings and
2 proceedings relating to risk management
3 programs entered into by the state and its
4 agencies and subdivisions, and a public
5 meetings exemption for proceedings and meetings
6 regarding claims filed; amending s. 943.031,
7 F.S.; removing a public necessity statement for
8 a public records and public meetings exemption
9 for specified portions of meetings of the
10 Florida Violent Crime and Drug Control Council,
11 specified portions of public records generated
12 at closed council meetings, and documents
13 related to active criminal investigations or
14 matters constituting active criminal
15 intelligence; providing an effective date.

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

18
19 Section 1. Section 39.2021, Florida Statutes, is
20 created to read:

21 39.2021 Release of confidential information.--
22 (1) Any person or organization, including the
23 Department of Children and Family Services, may petition the
24 court for an order making public the records of the Department
25 of Children and Family Services which pertain to
26 investigations of alleged abuse, abandonment, or neglect of a
27 child. The court shall determine if good cause exists for
28 public access to the records sought or a portion thereof. In
29 making this determination, the court shall balance the best
30 interests of the child who is the focus of the investigation
31 and the interest of that child's siblings, together with the

1 privacy right of other persons identified in the reports
2 against the public interest. The public interest in access to
3 such records is reflected in s. 119.01(1), and includes the
4 need for citizens to know of and adequately evaluate the
5 actions of the Department of Children and Family Services and
6 the court system in providing children of this state with the
7 protections enumerated in s. 39.001. However, this subsection
8 does not contravene s. 39.202, which protects the name of any
9 person reporting the abuse, abandonment, or neglect of a
10 child.

11 (2) In cases involving serious bodily injury to a
12 child, the Department of Children and Family Services may
13 petition the court for an order for the immediate public
14 release of records of the department which pertain to the
15 protective investigation. The petition must be personally
16 served upon the child, the child's parent or guardian, and any
17 person named as an alleged perpetrator in the report of abuse,
18 abandonment, or neglect. The court must determine if good
19 cause exists for the public release of the records sought no
20 later than 24 hours, excluding Saturdays, Sundays, and legal
21 holidays, after the date the department filed the petition
22 with the court. If the court does not grant or deny the
23 petition within the 24-hour time period, the department may
24 release to the public summary information including:

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

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

29 (c) The date of each judicial proceeding, a summary of
30 each participant's recommendations made at the judicial
31 proceeding, and the ruling of the court.

1
2 The summary information shall not include the name of, or
3 other identifying information with respect to, any person
4 identified in any investigation. In making a determination to
5 release confidential information, the court shall balance the
6 best interests of the child who is the focus of the
7 investigation and the interests of that child's siblings,
8 together with the privacy rights of other persons identified
9 in the reports against the public interest for access to
10 public records. However, this subsection does not contravene
11 s. 39.202, which protects the name of any person reporting
12 abuse, abandonment, or neglect of a child.

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

21 Section 2. Section 119.01, Florida Statutes, is
22 amended to read:

23 119.01 General state policy on public records.--

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

27 ~~(2) The Legislature finds that, given advancements in~~
28 ~~technology, Providing access to public records is a duty of~~
29 ~~each agency by remote electronic means is an additional method~~
30 ~~of access that agencies should strive to provide to the extent~~
31 ~~feasible. If an agency provides access to public records by~~

1 ~~remote electronic means, then such access should be provided~~
2 ~~in the most cost-effective and efficient manner available to~~
3 ~~the agency providing the information.~~

4 (2)(a)(3) The Legislature finds that providing access
5 to public records is a duty of each agency and that Automation
6 of public records must not erode the right of access to those
7 records. As each agency increases its use of and dependence on
8 electronic recordkeeping, each agency must ~~provide~~ ensure
9 reasonable public access to records electronically maintained
10 and must ensure that exempt or confidential records are not
11 disclosed except as otherwise permitted by law.

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

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

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

27 (e) Providing access to public records by remote
28 electronic means is an additional method of access that
29 agencies should strive to provide to the extent feasible. If
30 an agency provides access to public records by remote
31 electronic means, such access should be provided in the most

1 cost-effective and efficient manner available to the agency
2 providing the information.

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

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

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

31

1 Section 3. Section 119.011, Florida Statutes, is
2 amended to read:

3 119.011 Definitions.--As used in ~~For the purpose of~~
4 this chapter, the term:

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

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

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

27 (b) "Criminal investigative information" means
28 information with respect to an identifiable person or group of
29 persons compiled by a criminal justice agency in the course of
30 conducting a criminal investigation of a specific act or
31 omission, including, but not limited to, information derived

1 from laboratory tests, reports of investigators or informants,
2 or any type of surveillance.

3 (c) "Criminal intelligence information" and "criminal
4 investigative information" shall not include:

5 1. The time, date, location, and nature of a reported
6 crime.

7 2. The name, sex, age, and address of a person
8 arrested or of the victim of a crime except as provided in s.
9 119.07(6)(f)~~s. 119.07(3)(f)~~.

10 3. The time, date, and location of the incident and of
11 the arrest.

12 4. The crime charged.

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

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

24 b. Impair the ability of a state attorney to locate or
25 prosecute a codefendant.

26 6. Informations and indictments except as provided in
27 s. 905.26.

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

30 1. Criminal intelligence information shall be
31 considered "active" as long as it is related to intelligence

1 gathering conducted with a reasonable, good faith belief that
2 it will lead to detection of ongoing or reasonably anticipated
3 criminal activities.

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

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

16 (4) "Criminal justice agency" means:

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

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

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

31 (d) The Department of Corrections.

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

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

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

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

18 (9) "Information technology resources" means data
19 processing hardware and software and services, communications,
20 supplies, personnel, facility resources, maintenance, and
21 training.

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

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

31

1 (12) "Redact" means to conceal from a copy of an
2 original public record, or to conceal from an electronic image
3 that is available for public viewing, that portion of the
4 record containing exempt or confidential information.

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

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

11 (b) Collect, process, store, and retrieve financial
12 management information of the agency, such as payroll and
13 accounting records; or

14 (c) Control and direct access authorizations and
15 security measures for automated systems.

16 Section 4. Sections 119.0115, 119.012, and 119.02,
17 Florida Statutes, are repealed.

18 Section 5. Section 119.021, Florida Statutes, is
19 amended to read:

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

22 119.021 Custodial requirements; maintenance,
23 preservation, and retention of public records.--

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

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

28 (b) Insofar as practicable, a custodian of public
29 records of vital, permanent, or archival records shall keep
30 them in fireproof and waterproof safes, vaults, or rooms
31

1 fitted with noncombustible materials and in such arrangement
2 as to be easily accessible for convenient use.

3 (c)1. Record books should be copied or repaired,
4 renovated, or rebound if worn, mutilated, damaged, or
5 difficult to read.

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

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

18 (2)(a) The Division of Library and Information
19 Services of the Department of State shall adopt rules to
20 establish retention schedules and a disposal process for
21 public records.

22 (b) Each agency shall comply with the rules
23 establishing retention schedules and disposal processes for
24 public records which are adopted by the records and
25 information management program of the division.

26 (c) Each public official shall systematically dispose
27 of records no longer needed, subject to the consent of the
28 records and information management program of the division in
29 accordance with s. 257.36.

30 (d) The division may ascertain the condition of public
31 records and shall give advice and assistance to public

1 officials to solve problems related to the preservation,
2 creation, filing, and public accessibility of public records
3 in their custody. Public officials shall assist the division
4 by preparing an inclusive inventory of categories of public
5 records in their custody. The division shall establish a time
6 period for the retention or disposal of each series of
7 records. Upon the completion of the inventory and schedule,
8 the division shall, subject to the availability of necessary
9 space, staff, and other facilities for such purposes, make
10 space available in its records center for the filing of
11 semicurrent records so scheduled and in its archives for
12 noncurrent records of permanent value, and shall render such
13 other assistance as needed, including the microfilming of
14 records so scheduled.

15 (3) Agency orders that comprise final agency action
16 and that must be indexed or listed pursuant to s. 120.53 have
17 continuing legal significance; therefore, notwithstanding any
18 other provision of this chapter or any provision of chapter
19 257, each agency shall permanently maintain records of such
20 orders pursuant to the applicable rules of the Department of
21 State.

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

29 (b) Whoever is entitled to custody of public records
30 shall demand them from any person having illegal possession of
31 them, who must forthwith deliver the same to him or her. Any

1 person unlawfully possessing public records must within 10
2 days deliver such records to the lawful custodian of public
3 records unless just cause exists for failing to deliver such
4 records.

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

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

9 119.07 Inspection, examination, and copying
10 duplication of records; photographing public records; fees;
11 exemptions.--

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

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

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

29 (d) If requested by the person seeking to inspect or
30 copy the record, the custodian of public records shall state
31

1 in writing and with particularity the reasons for the
2 conclusion that the record is exempt or confidential.

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

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

28 (g) The absence of a civil action instituted for the
29 purpose stated in paragraph (e) does not relieve the custodian
30 of public records of the duty to maintain the record as a
31 public record if the record is in fact a public record subject

1 to public inspection and copying under this subsection and
2 does not otherwise excuse or exonerate the custodian of public
3 records from any unauthorized or unlawful disposition of such
4 record.

5 (2)(a) As an additional means of inspecting or copying
6 public records, a custodian of public records may provide
7 access to public records by remote electronic means, provided
8 exempt or confidential information is not disclosed.

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

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

22 (3)(a) Any person shall have the right of access to
23 public records for the purpose of making photographs of the
24 record while in the possession, custody, and control of the
25 custodian of public records.

26 (b) This subsection applies to the making of
27 photographs in the conventional sense by use of a camera
28 device to capture images of public records but excludes the
29 duplication of microfilm in the possession of the clerk of the
30 circuit court where a copy of the microfilm may be made
31 available by the clerk.

1 (c) Photographing public records shall be done under
2 the supervision of the custodian of public records, who may
3 adopt and enforce reasonable rules governing the photographing
4 of such records.

5 (d) Photographing of public records shall be done in
6 the room where the public records are kept. If, in the
7 judgment of the custodian of public records, this is
8 impossible or impracticable, the work shall be done in another
9 room or place, as nearly adjacent as possible to the room
10 where the public records are kept, to be determined by the
11 custodian of public records. Where provision of another room
12 or place for photographing is required, the expense of
13 providing the same shall be paid by the person desiring to
14 photograph the public record pursuant to paragraph (4)(e).

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

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

21 2. No more than an additional 5 cents for each
22 two-sided copy;~~upon payment of not more than 15 cents per~~
23 ~~one-sided copy, and~~

24 3. For all other copies, upon payment of the actual
25 cost of duplication of the public record. An agency may
26 charge no more than an additional 5 cents for each two-sided
27 duplicated copy. For purposes of this section, duplicated
28 copies shall mean new copies produced by duplicating, as
29 defined in s. 283.30. The phrase "actual cost of duplication"
30 means the cost of the material and supplies used to duplicate
31

1 ~~the record, but it does not include the labor cost or overhead~~
2 ~~cost associated with such duplication. However,~~

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

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

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

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

28 **2.** The custodian of public records may charge the
29 person making the photographs for supervision services at a
30 rate of compensation to be agreed upon by the person desiring
31 to make the photographs and the custodian of public records.

1 If they fail to agree as to the appropriate charge, the charge
2 shall be determined by the custodian of public records.

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

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

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

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

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

27 ~~(d) The absence of a civil action instituted for the~~
28 ~~purpose stated in paragraph (c) will not relieve the custodian~~
29 ~~of the duty to maintain the record as a public record if the~~
30 ~~record is in fact a public record subject to public inspection~~
31 ~~and examination under subsection (1) and will not otherwise~~

1 ~~excuse or exonerate the custodian from any unauthorized or~~
2 ~~unlawful disposition of such record.~~

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

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

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

1 the Open Government Sunset Review Act of 1995 in accordance
2 with s. 119.15 and shall stand repealed October 2, 2007,
3 unless reviewed and saved from repeal through reenactment by
4 the Legislature.

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

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

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

28 (f)1. Any criminal intelligence information or
29 criminal investigative information including the photograph,
30 name, address, or other fact or information which reveals the
31 identity of the victim of the crime of sexual battery as

1 defined in chapter 794; the identity of the victim of a lewd
2 or lascivious offense committed upon or in the presence of a
3 person less than 16 years of age, as defined in chapter 800;
4 or the identity of the victim of the crime of child abuse as
5 defined by chapter 827 and any criminal intelligence
6 information or criminal investigative information or other
7 criminal record, including those portions of court records and
8 court proceedings, which may reveal the identity of a person
9 who is a victim of any sexual offense, including a sexual
10 offense proscribed in chapter 794, chapter 800, or chapter
11 827, is exempt from the provisions of subsection (1) and s.
12 24(a), Art. I of the State Constitution.

13 2. In addition to subparagraph 1., any criminal
14 intelligence information or criminal investigative information
15 which is a photograph, videotape, or image of any part of the
16 body of the victim of a sexual offense prohibited under
17 chapter 794, chapter 800, or chapter 827, regardless of
18 whether the photograph, videotape, or image identifies the
19 victim, is confidential and exempt from subsection (1) and s.
20 24(a), Art. I of the State Constitution. This exemption
21 applies to photographs, videotapes, or images held as criminal
22 intelligence information or criminal investigative information
23 before, on, or after the effective date of the exemption.

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

30 (h) All criminal intelligence and criminal
31 investigative information received by a criminal justice

1 agency prior to January 25, 1979, is exempt from the
2 provisions of subsection (1) and s. 24(a), Art. I of the State
3 Constitution.

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

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

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

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

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

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

25 (j) Any information provided to an agency of state
26 government or to an agency of a political subdivision of the
27 state for the purpose of forming ridesharing arrangements,
28 which information reveals the identity of an individual who
29 has provided his or her name for ridesharing, as defined in s.
30 341.031, is exempt from the provisions of subsection (1) and
31 s. 24(a), Art. I of the State Constitution.

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

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

27 2. This exemption is not waived by the release of such
28 public record to another public employee or officer of the
29 same agency or any person consulted by the agency attorney.
30 When asserting the right to withhold a public record pursuant
31 to this paragraph, the agency shall identify the potential

1 parties to any such criminal or civil litigation or
2 adversarial administrative proceedings. If a court finds that
3 the document or other record has been improperly withheld
4 under this paragraph, the party seeking access to such
5 document or record shall be awarded reasonable attorney's fees
6 and costs in addition to any other remedy ordered by the
7 court.

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

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

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

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

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

31

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

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

6 ~~b. Collect, process, store, and retrieve financial~~
7 ~~management information of the agency, such as payroll and~~
8 ~~accounting records; or~~

9 ~~c. Control and direct access authorizations and~~
10 ~~security measures for automated systems.~~

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

29 (q) All complaints and other records in the custody of
30 any agency in the executive branch of state government which
31 relate to a complaint of discrimination relating to race,

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

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

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

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

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

1 b. A public employee or officer who has access to a
2 videotaped statement of a minor who is alleged to be or who is
3 a victim of sexual battery, lewd acts, or other sexual
4 misconduct proscribed in chapter 800 or in s. 794.011, s.
5 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or
6 s. 847.0145, may not willfully and knowingly disclose
7 videotaped information that reveals the minor's identity to a
8 person who is not assisting in the investigation or
9 prosecution of the alleged offense or to any person other than
10 the defendant, the defendant's attorney, or a person specified
11 in an order entered by the court having jurisdiction of the
12 alleged offense. A person who violates this provision commits
13 a misdemeanor of the first degree, punishable as provided in
14 s. 775.082 or s. 775.083.

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

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

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

1 the person's legal representative provides written permission
2 or pursuant to court order.

3 (w)1. If certified pursuant to subparagraph 2., an
4 investigatory record of the Chief Inspector General within the
5 Executive Office of the Governor or of the employee designated
6 by an agency head as the agency inspector general under s.
7 112.3189 is exempt from the provisions of subsection (1) and
8 s. 24(a), Art. I of the State Constitution until the
9 registration ceases to be active, or a report detailing the
10 investigation is provided to the Governor or the agency head,
11 or 60 days from the inception of the investigation for which
12 the record was made or received, whichever first occurs.
13 Investigatory records are those records which are related to
14 the investigation of an alleged, specific act or omission or
15 other wrongdoing, with respect to an identifiable person or
16 group of persons, based on information compiled by the Chief
17 Inspector General or by an agency inspector general, as named
18 under the provisions of s. 112.3189, in the course of an
19 investigation. An investigation is active if it is continuing
20 with a reasonable, good faith anticipation of resolution and
21 with reasonable dispatch.

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

31

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

15 d. Execution or enforcement of judgments and orders.

16 e. Compliance with an order of any court.

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

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

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

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

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

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

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

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

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

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

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

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

27
28 Personal information exempted from public disclosure according
29 to this paragraph may be disclosed by the Department of
30 Highway Safety and Motor Vehicles to an individual, firm,
31 corporation, or similar business entity whose primary business

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

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

6 (bb) Medical history records and information related
7 to health or property insurance provided to the Department of
8 Community Affairs, the Florida Housing Finance Corporation, a
9 county, a municipality, or a local housing finance agency by
10 an applicant for or a participant in a federal, state, or
11 local housing assistance program are confidential and exempt
12 from the provisions of subsection (1) and s. 24(a), Art. I of
13 the State Constitution. Governmental entities or their agents
14 shall have access to such confidential and exempt records and
15 information for the purpose of auditing federal, state, or
16 local housing programs or housing assistance programs. Such
17 confidential and exempt records and information may be used in
18 any administrative or judicial proceeding, provided such
19 records are kept confidential and exempt unless otherwise
20 ordered by a court.

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

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

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

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

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

22
23 This paragraph is subject to the Open Government Sunset Review
24 Act of 1995, in accordance with s. 119.15, and shall stand
25 repealed on October 2, 2006, unless reviewed and saved from
26 repeal through reenactment by the Legislature.

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

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

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

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

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

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

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

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

28 (gg) All personal identifying information contained in
29 records relating to a person's health held by local
30 governmental entities or their service providers for the
31 purpose of determining eligibility for paratransit services

1 under Title II of the Americans with Disabilities Act or
2 eligibility for the transportation disadvantaged program as
3 provided in part I of chapter 427 is confidential and exempt
4 from the provisions of subsection (1) and s. 24(a), Art. I of
5 the State Constitution, except as otherwise provided herein.
6 This exemption applies to personal identifying information
7 contained in such records held by local governmental entities
8 or their service providers before, on, or after the effective
9 date of this exemption. Information made confidential and
10 exempt by this paragraph shall be disclosed:

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

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

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

16 4. For the purpose of determining eligibility for
17 paratransit services if the individual or the individual's
18 legally authorized representative has filed an appeal or
19 petition before an administrative body of a local government
20 or a court.

21 (hh) Any videotape or video signal that, under an
22 agreement with an agency, is produced, made, or received by,
23 or is in the custody of, a federally-licensed radio or
24 television station or its agent is exempt from this chapter.

25 ~~(7)(4)~~ Nothing in this section shall be construed to
26 exempt from subsection (1) a public record which was made a
27 part of a court file and which is not specifically closed by
28 order of court, except as provided in paragraphs (c), (d),
29 (e), (k), (l), and (o) of subsection ~~(6)(3)~~ and except
30 information or records which may reveal the identity of a
31

1 person who is a victim of a sexual offense as provided in
2 paragraph (f) of subsection (6)~~(3)~~.

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

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

20 (9) An exemption from this section does not imply an
21 exemption from s. 286.011. The exemption from s. 286.011 must
22 be expressly provided.

23 ~~(7)(a) Any person or organization, including the~~
24 ~~Department of Children and Family Services, may petition the~~
25 ~~court for an order making public the records of the Department~~
26 ~~of Children and Family Services that pertain to investigations~~
27 ~~of alleged abuse, neglect, abandonment, or exploitation of a~~
28 ~~child or a vulnerable adult. The court shall determine if good~~
29 ~~cause exists for public access to the records sought or a~~
30 ~~portion thereof. In making this determination, the court shall~~
31 ~~balance the best interest of the vulnerable adult or child who~~

1 ~~is the focus of the investigation, and in the case of the~~
2 ~~child, the interest of that child's siblings, together with~~
3 ~~the privacy right of other persons identified in the reports~~
4 ~~against the public interest. The public interest in access to~~
5 ~~such records is reflected in s. 119.01(1), and includes the~~
6 ~~need for citizens to know of and adequately evaluate the~~
7 ~~actions of the Department of Children and Family Services and~~
8 ~~the court system in providing vulnerable adults and children~~
9 ~~of this state with the protections enumerated in ss. 39.001~~
10 ~~and 415.101. However, this subsection does not contravene ss.~~
11 ~~39.202 and 415.107, which protect the name of any person~~
12 ~~reporting the abuse, neglect, or exploitation of a child or a~~
13 ~~vulnerable adult.~~

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

30 ~~1. A confirmation that an investigation has been~~
31 ~~conducted concerning the alleged victim.~~

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

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

6
7 ~~The summary information may not include the name of, or other~~
8 ~~identifying information with respect to, any person identified~~
9 ~~in any investigation. In making a determination to release~~
10 ~~confidential information, the court shall balance the best~~
11 ~~interests of the vulnerable adult or child who is the focus of~~
12 ~~the investigation and, in the case of the child, the interests~~
13 ~~of that child's siblings, together with the privacy rights of~~
14 ~~other persons identified in the reports against the public~~
15 ~~interest for access to public records. However, this paragraph~~
16 ~~does not contravene ss. 39.202 and 415.107, which protect the~~
17 ~~name of any person reporting abuse, neglect, or exploitation~~
18 ~~of a child or a vulnerable adult.~~

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

27 (10)(8) The provisions of this section are not
28 intended to expand or limit the provisions of Rule 3.220,
29 Florida Rules of Criminal Procedure, regarding the right and
30 extent of discovery by the state or by a defendant in a
31 criminal prosecution or in collateral postconviction

1 proceedings. This section may not be used by any inmate as
2 the basis for failing to timely litigate any postconviction
3 action.

4 Section 8. Section 119.08, Florida Statutes, is
5 repealed.

6 Section 9. Section 119.084, Florida Statutes, is
7 amended to read:

8 119.084 Definitions; copyright of data processing
9 software created by governmental agencies; sale price and
10 licensing fee; ~~access to public records; prohibited~~
11 ~~contracts.--~~

12 (1) As used in this section, +

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

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

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

24 (2) Any agency is authorized to acquire and hold
25 copyrights for data processing software created by the agency
26 and to enforce its rights pertaining to such copyrights,
27 provided that the agency complies with the requirements of
28 this section.

29 (a) Any agency that has acquired a copyright for data
30 processing software created by the agency may sell or license
31 the copyrighted data processing software to any public agency

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

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

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

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

28 ~~(5) Each agency that maintains a public record in an~~
29 ~~electronic recordkeeping system shall provide to any person,~~
30 ~~pursuant to this chapter, a copy of any public record in that~~
31 ~~system which is not exempted by law from public disclosure.~~

1 ~~An agency must provide a copy of the record in the medium~~
2 ~~requested if the agency maintains the record in that medium,~~
3 ~~and the agency may charge a fee which shall be in accordance~~
4 ~~with this chapter. For the purpose of satisfying a public~~
5 ~~records request, the fee to be charged by an agency if it~~
6 ~~elects to provide a copy of a public record in a medium not~~
7 ~~routinely used by the agency, or if it elects to compile~~
8 ~~information not routinely developed or maintained by the~~
9 ~~agency or that requires a substantial amount of manipulation~~
10 ~~or programming, must be in accordance with s. 119.07(1)(b).~~

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

22 ~~(3)(7)~~ This section is subject to the Open Government
23 Sunset Review Act of 1995 in accordance with s. 119.15 and
24 shall stand repealed on October 2, 2006, unless reviewed and
25 saved from repeal through reenactment by the Legislature.

26 Section 10. Sections 119.085 and 119.09, Florida
27 Statutes, are repealed.

28 Section 11. Section 119.10, Florida Statutes, is
29 amended to read:

30 119.10 Violation of chapter; penalties.--

31 (1) Any public officer who:

1 (a) Violates any provision of this chapter is guilty
2 of a noncriminal infraction, punishable by fine not exceeding
3 \$500.

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

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

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

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

17 Section 12. Section 119.105, Florida Statutes, is
18 amended to read:

19 119.105 Protection of victims of crimes or
20 accidents.--Police reports are public records except as
21 otherwise made exempt or confidential ~~by general or special~~
22 ~~law~~. Every person is allowed to examine nonexempt or
23 nonconfidential police reports. A person who comes into
24 possession of exempt or confidential information contained in
25 police reports may not use that information for any commercial
26 solicitation of the victims or relatives of the victims of the
27 reported crimes or accidents and may not knowingly disclose
28 such information to any third party for the purpose of such
29 solicitation during the period of time that information
30 remains exempt or confidential. This section does not prohibit
31 the publication of such information to the general public by

1 any news media legally entitled to possess that information or
2 the use of such information for any other data collection or
3 analysis purposes by those entitled to possess that
4 information.

5 Section 13. Paragraph (a) of subsection (1) of section
6 120.55, Florida Statutes, is amended to read:

7 120.55 Publication.--

8 (1) The Department of State shall:

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

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

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

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

19 Section 14. Paragraph (b) of subsection (2) of section
20 257.36, Florida Statutes, is amended to read:

21 257.36 Records and information management.--

22 (2)

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

1 assign an existing agency as the custodian of public records
2 for the dissolved agency's records, then the Cabinet is the
3 custodian of public records for the dissolved agency, unless
4 the Cabinet otherwise designates a custodian. The Cabinet or
5 the agency designated by the Cabinet shall be responsible for
6 the records storage service charges of the division.

7 Section 15. Subsection (5) of section 328.15, Florida
8 Statutes, is amended to read:

9 328.15 Notice of lien on vessel; recording.--

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

25 Section 16. Subsection (4) of section 372.5717,
26 Florida Statutes, is amended to read:

27 372.5717 Hunter safety course; requirements;
28 penalty.--

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

1 maintain ~~permanent~~ records of hunter safety certification
2 cards issued and shall establish procedures for replacing lost
3 or destroyed cards.

4 Section 17. Section 415.1071, Florida Statutes, is
5 created to read:

6 415.1071 Release of confidential information.--

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

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

1 served upon the vulnerable adult, the legal guardian of that
2 person, if any, and any person named as an alleged perpetrator
3 in the report of abuse, neglect, or exploitation. The court
4 must determine if good cause exists for the public release of
5 the records sought no later than 24 hours, excluding
6 Saturdays, Sundays, and legal holidays, after the date the
7 department filed the petition with the court. If the court
8 does not grant or deny the petition within the 24-hour time
9 period, the department may release to the public summary
10 information including:

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

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

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

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

30 (3) When the court determines that good cause for
31 public access exists, the court shall direct that the

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

7 Section 18. Subsection (2) of section 560.121, Florida
8 Statutes, is amended to read:

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

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

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

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

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

31

1 must be retained for a minimum of 10 calendar years from the
2 date of receipt.

3 Section 20. Subsection (4) of section 560.129, Florida
4 Statutes, is amended to read:

5 560.129 Confidentiality.--

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

11 Application records, and related information compiled by the
12 department, or photographic copies thereof, shall be retained
13 by the department for a period of at least 2 years following
14 the date that the registration ceases to be active.

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

17 624.311 Records; reproductions; destruction.--

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

27 Section 22. Subsection (1) of section 624.312, Florida
28 Statutes, is amended to read:

29 624.312 Reproductions and certified copies of records
30 as evidence.--

31

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

12 Section 23. Subsection (2) of section 633.527, Florida
13 Statutes, is amended to read:

14 633.527 Records concerning applicant; extent of
15 confidentiality.--

16 (2) All examination test questions, answer sheets, and
17 grades shall be retained for a period of 2 5 years following
18 from the date of the examination.

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

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

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

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

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

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

21 Section 25. Section 945.25, Florida Statutes, is
22 amended to read:

23 945.25 Records.--

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

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

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

5 (c) The terms of the sentence.

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

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

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

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

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

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

30 Section 26. Paragraph (e) of subsection (4) of section
31 985.31, Florida Statutes, is amended to read:

1 985.31 Serious or habitual juvenile offender.--

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

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

14 Section 27. Paragraph (d) of subsection (6) of section
15 212.095, Florida Statutes, is repealed.

16 Section 28. Subsection (9) of section 238.03, Florida
17 Statutes, is repealed.

18 Section 29. Paragraph (f) of subsection (1) of section
19 23.22, Florida Statutes, is amended to read:

20 23.22 Paperwork reduction; activities of
21 departments.--

22 (1) In order to reduce the amount of paperwork
23 associated with the collection of information from
24 individuals, private-sector organizations, and local
25 governments and to provide more efficient and effective
26 assistance to such individuals and organizations in completing
27 necessary paperwork required by the government, each
28 department head shall, to the extent feasible:

29 (f) Collaborate with the Division of Library and
30 Information Services, pursuant to s. 119.021(2)~~s. 119.09~~, to
31 identify and index records retention requirements placed on

1 private-sector organizations and local governments in Florida,
2 clarify and reduce the requirements, and educate the affected
3 entities through various communications media, including
4 voice, data, video, radio, and image.

5 Section 30. Paragraph (d) of subsection (1) of section
6 101.5607, Florida Statutes, is amended to read:

7 101.5607 Department of State to maintain voting system
8 information; prepare software.--

9 (1)

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

12 Section 31. Paragraph (b) of subsection (2) of section
13 112.533, Florida Statutes, is amended to read:

14 112.533 Receipt and processing of complaints.--

15 (2)

16 (b) This subsection does not apply to any public
17 record which is exempt from public disclosure pursuant to s.
18 119.07(6)~~s. 119.07(3)~~. For the purposes of this subsection,
19 an investigation shall be considered active as long as it is
20 continuing with a reasonable, good faith anticipation that an
21 administrative finding will be made in the foreseeable future.
22 An investigation shall be presumed to be inactive if no
23 finding is made within 45 days after the complaint is filed.

24 Section 32. Paragraph (e) of subsection (2) of section
25 1012.31, Florida Statutes, is amended to read:

26 1012.31 Personnel files.--Public school system
27 employee personnel files shall be maintained according to the
28 following provisions:

29 (2)

30 (e) Upon request, an employee, or any person
31 designated in writing by the employee, shall be permitted to

1 examine the personnel file of such employee. The employee
2 shall be permitted conveniently to reproduce any materials in
3 the file, at a cost no greater than the fees prescribed in s.
4 119.07(4)~~s. 119.07(1)~~.

5 Section 33. Subsection (1) of section 257.34, Florida
6 Statutes, is amended to read:

7 257.34 Florida International Archive and Repository.--

8 (1) There is created within the Division of Library
9 and Information Services of the Department of State the
10 Florida International Archive and Repository for the
11 preservation of those public records, as defined in s.
12 119.011(11)~~s. 119.011(1)~~, manuscripts, international
13 judgments involving disputes between domestic and foreign
14 businesses, and all other public matters that the department
15 or the Florida Council of International Development deems
16 relevant to international issues. It is the duty and
17 responsibility of the division to:

18 (a) Organize and administer the Florida International
19 Archive and Repository.

20 (b) Preserve and administer records that are
21 transferred to its custody; accept, arrange, and preserve
22 them, according to approved archival and repository practices;
23 and permit them, at reasonable times and under the supervision
24 of the division, to be inspected, examined, and copied. All
25 public records transferred to the custody of the division are
26 subject to the provisions of s. 119.07(1).

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

29 (d) Cooperate with and assist, insofar as practicable,
30 state institutions, departments, agencies, counties,

31

1 municipalities, and individuals engaged in internationally
2 related activities.

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

6 (f) Conduct, promote, and encourage research in
7 international trade, government, and culture and maintain a
8 program of information, assistance, coordination, and guidance
9 for public officials, educational institutions, libraries, the
10 scholarly community, and the general public engaged in such
11 research.

12 (g) Cooperate with and, insofar as practicable, assist
13 agencies, libraries, institutions, and individuals in projects
14 concerned with internationally related issues and preserve
15 original materials relating to internationally related issues.

16 (h) Assist and cooperate with the records and
17 information management program in the training and information
18 program described in s. 257.36(1)(g).

19 Section 34. Subsection (1) of section 257.35, Florida
20 Statutes, is amended to read:

21 257.35 Florida State Archives.--

22 (1) There is created within the Division of Library
23 and Information Services of the Department of State the
24 Florida State Archives for the preservation of those public
25 records, as defined in s. 119.011(11)~~s. 119.011(1)~~,
26 manuscripts, and other archival material that have been
27 determined by the division to have sufficient historical or
28 other value to warrant their continued preservation and have
29 been accepted by the division for deposit in its custody. It
30 is the duty and responsibility of the division to:

31

- 1 (a) Organize and administer the Florida State
2 Archives.
- 3 (b) Preserve and administer such records as shall be
4 transferred to its custody; accept, arrange, and preserve
5 them, according to approved archival practices; and permit
6 them, at reasonable times and under the supervision of the
7 division, to be inspected, examined, and copied. All public
8 records transferred to the custody of the division shall be
9 subject to the provisions of s. 119.07(1), except that any
10 public record or other record provided by law to be
11 confidential or prohibited from inspection by the public shall
12 be made accessible only after a period of 50 years from the
13 date of the creation of the record. Any nonpublic manuscript
14 or other archival material which is placed in the keeping of
15 the division under special terms and conditions, shall be made
16 accessible only in accordance with such law terms and
17 conditions and shall be exempt from the provisions of s.
18 119.07(1) to the extent necessary to meet the terms and
19 conditions for a nonpublic manuscript or other archival
20 material.
- 21 (c) Assist the records and information management
22 program in the determination of retention values for records.
- 23 (d) Cooperate with and assist insofar as practicable
24 state institutions, departments, agencies, counties,
25 municipalities, and individuals engaged in activities in the
26 field of state archives, manuscripts, and history and accept
27 from any person any paper, book, record, or similar material
28 which in the judgment of the division warrants preservation in
29 the state archives.
- 30
31

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

4 (f) Conduct, promote, and encourage research in
5 Florida history, government, and culture and maintain a
6 program of information, assistance, coordination, and guidance
7 for public officials, educational institutions, libraries, the
8 scholarly community, and the general public engaged in such
9 research.

10 (g) Cooperate with and, insofar as practicable, assist
11 agencies, libraries, institutions, and individuals in projects
12 designed to preserve original source materials relating to
13 Florida history, government, and culture and prepare and
14 publish handbooks, guides, indexes, and other literature
15 directed toward encouraging the preservation and use of the
16 state's documentary resources.

17 (h) Encourage and initiate efforts to preserve,
18 collect, process, transcribe, index, and research the oral
19 history of Florida government.

20 (i) Assist and cooperate with the records and
21 information management program in the training and information
22 program described in s. 257.36(1)(g).

23 Section 35. Section 282.21, Florida Statutes, is
24 amended to read:

25 282.21 The State Technology Office's electronic access
26 services.--The State Technology Office may collect fees for
27 providing remote electronic access pursuant to s. 119.01(2)(f)
28 ~~s. 119.085~~. The fees may be imposed on individual transactions
29 or as a fixed subscription for a designated period of time.
30 All fees collected under this section shall be deposited in
31

1 the appropriate trust fund of the program or activity that
2 made the remote electronic access available.

3 Section 36. Paragraph (h) of subsection (2) of section
4 287.0943, Florida Statutes, is amended to read:

5 287.0943 Certification of minority business
6 enterprises.--

7 (2)

8 (h) The certification procedures should allow an
9 applicant seeking certification to designate on the
10 application form the information the applicant considers to be
11 proprietary, confidential business information. As used in
12 this paragraph, "proprietary, confidential business
13 information" includes, but is not limited to, any information
14 that would be exempt from public inspection pursuant to the
15 provisions of s. 119.07(6)~~s. 119.07(3)~~; trade secrets;
16 internal auditing controls and reports; contract costs; or
17 other information the disclosure of which would injure the
18 affected party in the marketplace or otherwise violate s.
19 286.041. The executor in receipt of the application shall
20 issue written and final notice of any information for which
21 noninspection is requested but not provided for by law.

22 Section 37. Subsection (1) of section 320.05, Florida
23 Statutes, is amended to read:

24 320.05 Records of the department; inspection
25 procedure; lists and searches; fees.--

26 (1) Except as provided in ss. 119.07(6) ~~119.07(3)~~ and
27 320.025(3), the department may release records as provided in
28 this section.

29 Section 38. Subsection (8) of section 322.20, Florida
30 Statutes, is amended to read:

31

1 322.20 Records of the department; fees; destruction of
2 records.--

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

6 Section 39. Paragraph (b) of subsection (2) of section
7 338.223, Florida Statutes, is amended to read:

8 338.223 Proposed turnpike projects.--

9 (2)

10 (b) In accordance with the legislative intent
11 expressed in s. 337.273, and after the requirements of
12 paragraph (1)(c) have been met, the department may acquire
13 lands and property before making a final determination of the
14 economic feasibility of a project. The requirements of
15 paragraph (1)(c) do not apply to hardship and protective
16 purchases of advance right-of-way by the department. The cost
17 of advance acquisition of right-of-way may be paid from bonds
18 issued under s. 337.276 or from turnpike revenues. For
19 purposes of this paragraph, the term "hardship purchase" means
20 purchase from a property owner of a residential dwelling of
21 not more than four units who is at a disadvantage due to
22 health impairment, job loss, or significant loss of rental
23 income. For purposes of this paragraph, the term "protective
24 purchase" means that a purchase to limit development,
25 building, or other intensification of land uses within the
26 area right-of-way is needed for transportation facilities. The
27 department shall give written notice to the Department of
28 Environmental Protection 30 days before final agency
29 acceptance as set forth in s. 119.07(6)(n)~~s. 119.07(3)(n)~~,
30 which notice shall allow the Department of Environmental
31 Protection to comment. Hardship and protective purchases of

1 right-of-way shall not influence the environmental feasibility
2 of a project, including the decision relative to the need to
3 construct the project or the selection of a specific location.
4 Costs to acquire and dispose of property acquired as hardship
5 and protective purchases are considered costs of doing
6 business for the department and are not to be considered in
7 the determination of environmental feasibility for the
8 project.

9 Section 40. Paragraph (a) of subsection (1) of section
10 378.406, Florida Statutes, is amended to read:

11 378.406 Confidentiality of records; availability of
12 information.--

13 (1)(a) Any information relating to prospecting, rock
14 grades, or secret processes or methods of operation which may
15 be required, ascertained, or discovered by inspection or
16 investigation shall be exempt from the provisions of s.
17 119.07(1), shall not be disclosed in public hearings, and
18 shall be kept confidential by any member, officer, or employee
19 of the department, if the applicant requests the department to
20 keep such information confidential and informs the department
21 of the basis for such confidentiality. Should the secretary
22 determine that such information requested to be kept
23 confidential shall not be kept confidential, the secretary
24 shall provide the operator with not less than 30 days' notice
25 of his or her intent to release the information. When making
26 his or her determination, the secretary shall consider the
27 public purposes specified in s. 119.15(4)(b)~~s. 119.14(4)(b)~~.

28 Section 41. Paragraph (c) of subsection (1) of section
29 400.0077, Florida Statutes, is amended to read:

30 400.0077 Confidentiality.--

31

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

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

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

13 401.27 Personnel; standards and certification.--

14 (5) The certification examination must be offered
15 monthly. The department shall issue an examination admission
16 notice to the applicant advising him or her of the time and
17 place of the examination for which he or she is scheduled.
18 Individuals achieving a passing score on the certification
19 examination may be issued a temporary certificate with their
20 examination grade report. The department must issue an
21 original certification within 45 days after the examination.
22 Examination questions and answers are not subject to discovery
23 but may be introduced into evidence and considered only in
24 camera in any administrative proceeding under chapter 120. If
25 an administrative hearing is held, the department shall
26 provide challenged examination questions and answers to the
27 administrative law judge. The department shall establish by
28 rule the procedure by which an applicant, and the applicant's
29 attorney, may review examination questions and answers in
30 accordance with s. 119.07(6)(a)~~s. 119.07(3)(a)~~.

31

1 Section 43. Subsection (1) of section 403.111, Florida
2 Statutes, is amended to read:

3 403.111 Confidential records.--

4 (1) Any information, other than effluent data and
5 those records described in 42 U.S.C. s. 7661a(b)(8), relating
6 to secret processes or secret methods of manufacture or
7 production, or relating to costs of production, profits, or
8 other financial information which is otherwise not public
9 record, which may be required, ascertained, or discovered by
10 inspection or investigation shall be exempt from the
11 provisions of s. 119.07(1), shall not be disclosed in public
12 hearings, and shall be kept confidential by any member,
13 officer, or employee of the department, upon a showing
14 satisfactory to the department that the information should be
15 kept confidential. The person from whom the information is
16 obtained must request that the department keep such
17 information confidential and must inform the department of the
18 basis for the claim of confidentiality. The department shall,
19 subject to notice and opportunity for hearing, determine
20 whether the information requested to be kept confidential
21 should or should not be kept confidential. The department
22 shall determine whether the information submitted should be
23 kept confidential pursuant to the public purpose test as
24 stated in s. 119.15(4)(b)3 ~~s. 119.14(4)(b)3~~.

25 Section 44. Section 409.2577, Florida Statutes, is
26 amended to read:

27 409.2577 Parent locator service.--The department shall
28 establish a parent locator service to assist in locating
29 parents who have deserted their children and other persons
30 liable for support of dependent children. The department
31 shall use all sources of information available, including the

1 Federal Parent Locator Service, and may request and shall
2 receive information from the records of any person or the
3 state or any of its political subdivisions or any officer
4 thereof. Any agency as defined in s. 120.52, any political
5 subdivision, and any other person shall, upon request, provide
6 the department any information relating to location, salary,
7 insurance, social security, income tax, and employment history
8 necessary to locate parents who owe or potentially owe a duty
9 of support pursuant to Title IV-D of the Social Security Act.
10 This provision shall expressly take precedence over any other
11 statutory nondisclosure provision which limits the ability of
12 an agency to disclose such information, except that law
13 enforcement information as provided in s. 119.07(6)(i) ~~s.~~
14 ~~119.07(3)(i)~~ is not required to be disclosed, and except that
15 confidential taxpayer information possessed by the Department
16 of Revenue shall be disclosed only to the extent authorized in
17 s. 213.053(15). Nothing in this section requires the
18 disclosure of information if such disclosure is prohibited by
19 federal law. Information gathered or used by the parent
20 locator service is confidential and exempt from the provisions
21 of s. 119.07(1). Additionally, the department is authorized to
22 collect any additional information directly bearing on the
23 identity and whereabouts of a person owing or asserted to be
24 owing an obligation of support for a dependent child. The
25 department shall, upon request, make information available
26 only to public officials and agencies of this state; political
27 subdivisions of this state, including any agency thereof
28 providing child support enforcement services to non-Title IV-D
29 clients; the custodial parent, legal guardian, attorney, or
30 agent of the child; and other states seeking to locate parents
31 who have deserted their children and other persons liable for

1 support of dependents, for the sole purpose of establishing,
2 modifying, or enforcing their liability for support, and shall
3 make such information available to the Department of Children
4 and Family Services for the purpose of diligent search
5 activities pursuant to chapter 39. If the department has
6 reasonable evidence of domestic violence or child abuse and
7 the disclosure of information could be harmful to the
8 custodial parent or the child of such parent, the child
9 support program director or designee shall notify the
10 Department of Children and Family Services and the Secretary
11 of the United States Department of Health and Human Services
12 of this evidence. Such evidence is sufficient grounds for the
13 department to disapprove an application for location services.

14 Section 45. Subsection (6) of section 455.219, Florida
15 Statutes, is amended to read:

16 455.219 Fees; receipts; disposition; periodic
17 management reports.--

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

24 Section 46. Subsection (11) of section 456.025,
25 Florida Statutes, is amended to read:

26 456.025 Fees; receipts; disposition.--

27 (11) The department or the appropriate board shall
28 charge a fee not to exceed \$25 for the certification of a
29 public record. The fee shall be determined by rule of the
30 department. The department or the appropriate board shall

31

1 assess a fee for duplicating a public record as provided in s.
2 119.07(4)~~s. 119.07(1)(a) and (b)~~.

3 Section 47. Paragraph (b) of subsection (4) of section
4 627.311, Florida Statutes, is amended to read:

5 627.311 Joint underwriters and joint reinsurers;
6 public records and public meetings exemptions.--

7 (4) The Florida Automobile Joint Underwriting
8 Association:

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

27 Section 48. Paragraph (n) of subsection (6) of section
28 627.351, Florida Statutes, is amended to read:

29 627.351 Insurance risk apportionment plans.--

30 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

31

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

4 a. Underwriting files, except that a policyholder or
5 an applicant shall have access to his or her own underwriting
6 files.

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

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

23 d. Matters reasonably encompassed in privileged
24 attorney-client communications.

25 e. Proprietary information licensed to the corporation
26 under contract and the contract provides for the
27 confidentiality of such proprietary information.

28 f. All information relating to the medical condition
29 or medical status of a corporation employee which is not
30 relevant to the employee's capacity to perform his or her
31 duties, except as otherwise provided in this paragraph.

1 Information which is exempt shall include, but is not limited
2 to, information relating to workers' compensation, insurance
3 benefits, and retirement or disability benefits.

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

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

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

20
21 When an authorized insurer is considering underwriting a risk
22 insured by the corporation, relevant underwriting files and
23 confidential claims files may be released to the insurer
24 provided the insurer agrees in writing, notarized and under
25 oath, to maintain the confidentiality of such files. When a
26 file is transferred to an insurer that file is no longer a
27 public record because it is not held by an agency subject to
28 the provisions of the public records law. Underwriting files
29 and confidential claims files may also be released to staff of
30 and the board of governors of the market assistance plan
31 established pursuant to s. 627.3515, who must retain the

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

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

24 Subject to the provisions hereof and s. 119.07(1)(b)-(d) ~~s.~~
25 ~~119.07(2)(a)~~, the court reporter's notes of any closed meeting
26 shall be retained by the corporation for a minimum of 5 years.
27 A copy of the transcript, less any exempt matters, of any
28 closed meeting wherein claims are discussed shall become
29 public as to individual claims after settlement of the claim.

30 Section 49. Subsection (1) of section 633.527, Florida
31 Statutes, is amended to read:

1 633.527 Records concerning applicant; extent of
2 confidentiality.--

3 (1) Test material is made confidential by s.
4 119.07(6)(a)~~s. 119.07(3)(a)~~. An applicant may waive in
5 writing the confidentiality of his or her examination answer
6 sheet for the purpose of discussion with the State Fire
7 Marshal or his or her staff.

8 Section 50. Paragraph (m) of subsection (2) of section
9 668.50, Florida Statutes, is amended to read:

10 668.50 Uniform Electronic Transaction Act.--

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

12 (m) "Record" means information that is inscribed on a
13 tangible medium or that is stored in an electronic or other
14 medium and is retrievable in perceivable form, including
15 public records as defined in s. 119.011 ~~s. 119.011(1)~~.

16 Section 51. Subsection (1) of section 794.024, Florida
17 Statutes, is amended to read:

18 794.024 Unlawful to disclose identifying
19 information.--

20 (1) A public employee or officer who has access to the
21 photograph, name, or address of a person who is alleged to be
22 the victim of an offense described in this chapter, chapter
23 800, s. 827.03, s. 827.04, or s. 827.071 may not willfully and
24 knowingly disclose it to a person who is not assisting in the
25 investigation or prosecution of the alleged offense or to any
26 person other than the defendant, the defendant's attorney, a
27 person specified in an order entered by the court having
28 jurisdiction of the alleged offense, or organizations
29 authorized to receive such information made exempt by s.
30 119.07(6)(f)~~s. 119.07(3)(f)~~, or to a rape crisis center or
31

1 sexual assault counselor, as defined in s. 90.5035(1)(b), who
2 will be offering services to the victim.

3 Section 52. For the purpose of incorporating the
4 amendments to section 945.25, Florida Statutes, in a reference
5 thereto, paragraph (a) of subsection (2) of section 947.13,
6 Florida Statutes, is reenacted to read:

7 947.13 Powers and duties of commission.--

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

12 Section 53. Section 430.015, Florida Statutes, is
13 repealed.

14 Section 54. Section 440.132, Florida Statutes, is
15 amended to read:

16 440.132 Investigatory records relating to workers'
17 compensation managed care arrangements; confidentiality.--

18 ~~(1)~~ All investigatory records of the Agency for Health
19 Care Administration made or received pursuant to s. 440.134
20 and any examination records necessary to complete an
21 investigation are confidential and exempt from the provisions
22 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
23 until the investigation is completed or ceases to be active,
24 except that portions of medical records which specifically
25 identify patients must remain confidential and exempt. An
26 investigation is considered "active" while such investigation
27 is being conducted by the agency with a reasonable, good faith
28 belief that it may lead to the filing of administrative,
29 civil, or criminal proceedings. An investigation does not
30 cease to be active if the agency is proceeding with reasonable
31 dispatch and there is good faith belief that action may be

1 initiated by the agency or other administrative or law
2 enforcement agency.

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

13 Section 55. Sections 723.0065 and 768.301, Florida
14 Statutes, are repealed.

15 Section 56. Paragraph (a) of subsection (7) of section
16 943.031, Florida Statutes, is amended to read:

17 943.031 Florida Violent Crime and Drug Control
18 Council.--The Legislature finds that there is a need to
19 develop and implement a statewide strategy to address violent
20 criminal activity and drug control efforts by state and local
21 law enforcement agencies, including investigations of illicit
22 money laundering. In recognition of this need, the Florida
23 Violent Crime and Drug Control Council is created within the
24 department. The council shall serve in an advisory capacity to
25 the department.

26 (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL
27 MEETINGS AND RECORDS.--

28 (a)~~1~~. The Legislature finds that during limited
29 portions of the meetings of the Florida Violent Crime and Drug
30 Control Council it is necessary that the council be presented
31 with and discuss details, information, and documents related

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

23 ~~2. The Legislature finds that it is a public necessity~~
24 ~~that portions of the meetings of the Florida Violent Crime and~~
25 ~~Drug Control Council be closed when the confidential details,~~
26 ~~information, and documents related to active criminal~~
27 ~~investigations or matters constituting active criminal~~
28 ~~intelligence are discussed. The Legislature further finds that~~
29 ~~it is no less a public necessity that portions of public~~
30 ~~records generated at closed council meetings, such as tape~~
31 ~~recordings, minutes, and notes, memorializing the discussions~~

1 ~~regarding such confidential details, information, and~~
2 ~~documents related to active criminal investigations or matters~~
3 ~~constituting active criminal intelligence, also shall be held~~
4 ~~confidential.~~

5 Section 57. This act shall take effect October 1,
6 2004.

7
8 *****

9 SENATE SUMMARY

10 Revises various provisions governing public records.
11 Provides a procedure by which a person or organization
12 may petition the court for the release of records
13 relating to investigations of alleged abuse, abandonment,
14 or neglect of a child or investigations of alleged abuse,
15 neglect, or exploitation of a vulnerable adult. Provides
16 requirements for state agencies in designing or acquiring
17 electronic recordkeeping systems. Provides for the
18 release of electronic records. Requires governmental
19 agencies to maintain and preserve certain records.
20 Specified duties of the Division of Library and
21 Information Services of the Department of State. Revises
22 provisions governing the inspection and copying of public
23 records. Revises requirements with respect to the
24 publication of the Florida Administrative Code. Revises
25 the classification of records retained by various state
26 agencies. Revises the period that certain records must be
27 maintained. Requires that certain electronic records be
28 considered as original records. (See bill for details.)
29
30
31