

By the Committee on Governmental Oversight and Productivity

302-1936-04

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;
22 correcting cross-references; repealing ss.
23 119.0115, 119.012, and 119.02, F.S., relating
24 to specified exemption for certain videotapes
25 and video signals, records made public by the
26 use of public funds, and penalties for
27 violation of public records requirements by a
28 public officer; amending s. 119.021, F.S.;
29 providing requirements for governmental
30 agencies in maintaining and preserving public
31 records; requiring the Division of Library and

1 Information Services of the Department of State
2 to adopt rules for retaining and disposing of
3 public records; authorizing the division to
4 provide for archiving certain noncurrent
5 records; providing for the destruction of
6 certain records and the continued maintenance
7 of certain records; providing for the
8 disposition of records at the end of an
9 official's term of office; requiring that a
10 custodian of public records demand delivery of
11 records held unlawfully; repealing ss. 119.031,
12 119.041, 119.05, and 119.06, F.S., relating to
13 the retention, disposal, and disposition of
14 public records and the delivery of records held
15 unlawfully; amending s. 119.07, F.S.; revising
16 provisions governing the inspection and copying
17 of public records; establishing fees for
18 copying; providing requirements for making
19 photographs; authorizing additional means of
20 inspecting or copying public records; providing
21 requirements for making photographs of public
22 records; relocating an exemption from public
23 records requirements for any videotape or video
24 signal that, under an agreement with an agency
25 is produced, made, or received by or in the
26 custody of a federally licensed radio or
27 television station or its agents; repealing s.
28 119.08, F.S., relating to requirements for
29 making photographs of public records; amending
30 s. 119.084, F.S.; deleting certain provisions
31 governing the maintenance of public records in

1 an electronic recordkeeping system; repealing
2 ss. 119.085 and 119.09, F.S., relating to
3 remote electronic access to public records and
4 the program for records and information
5 management of the Department of State; amending
6 s. 119.10, F.S.; clarifying provisions with
7 respect to penalties for violations of ch. 119,
8 F.S.; amending s. 119.105, F.S.; clarifying
9 provisions under which certain police reports
10 may be exempt from the public records law;
11 amending s. 119.12, F.S.; conforming
12 provisions; amending s. 120.55, F.S.; revising
13 provisions with respect to publication of the
14 Florida Administrative Code to provide that the
15 Department of State is required to compile and
16 publish the code through a continuous revision
17 system; amending s. 257.36, F.S.; providing
18 procedures with respect to the official custody
19 of records upon the transfer of duties or
20 responsibilities between state agencies or the
21 dissolution of a state agency; amending s.
22 328.15, F.S.; revising the classification of
23 records of notices and satisfaction of liens on
24 vessels maintained by the Department of Highway
25 Safety and Motor Vehicles; amending s.
26 372.5717, F.S.; revising the classification of
27 records of hunter safety certification cards
28 maintained by the Fish and Wildlife
29 Conservation Commission; creating s. 415.1071,
30 F.S.; authorizing a petition for an order
31 making public certain investigatory records of

1 the Department of Children and Family Services;
2 amending s. 560.121, F.S.; decreasing and
3 qualifying the period of retention for
4 examination reports, investigatory records,
5 applications, application records, and related
6 information compiled by the Office of Financial
7 Regulation of the Financial Services Commission
8 under the Money Transmitters' Code; amending s.
9 560.123, F.S.; decreasing the period of
10 retention for specified reports filed by money
11 transmitters with the Department of Banking and
12 Finance under the Money Transmitters' Code;
13 amending s. 560.129, F.S.; decreasing and
14 qualifying the period of retention for
15 examination reports, investigatory records,
16 applications, application records, and related
17 information compiled by the Office of Financial
18 Regulation of the Financial Services Commission
19 under the Money Transmitters' Code; amending s.
20 624.311, F.S.; authorizing the Department of
21 Financial Services, the Financial Services
22 Commission, and the Office of Insurance
23 Regulation of the Financial Services Commission
24 to maintain an electronic recordkeeping system
25 for specified records, statements, reports, and
26 documents; eliminating a standard for the
27 reproduction of such records, statements,
28 reports, and documents; amending s. 624.312,
29 F.S.; providing that reproductions from an
30 electronic recordkeeping system of specified
31 documents and records of the Department of

1 Financial Services, the Financial Services
2 Commission, and the Office of Insurance
3 Regulation of the Financial Services Commission
4 shall be treated as originals for the purpose
5 of their admissibility in evidence; amending s.
6 633.527, F.S.; decreasing the period of
7 retention for specified examination test
8 questions, answer sheets, and grades in the
9 possession of the Division of State Fire
10 Marshal of the Department of Financial
11 Services; amending s. 655.50, F.S.; revising
12 requirements of the Office of Financial
13 Regulation with respect to retention of copies
14 of specified reports and records of exemption
15 submitted or filed by financial institutions
16 under the Florida Control of Money Laundering
17 in Financial Institutions Act; amending s.
18 945.25, F.S.; requiring the Department of
19 Corrections to obtain and place in its records
20 specified information on every person who may
21 be sentenced to supervision or incarceration
22 under the jurisdiction of the department;
23 eliminating a requirement of the department, in
24 its discretion, to obtain and place in its
25 permanent records specified information on
26 persons placed on probation and on persons who
27 may become subject to pardon and commutation of
28 sentence; amending s. 985.31, F.S.; revising
29 the classification of specified medical files
30 of serious or habitual juvenile offenders;
31 repealing s. 212.095(6)(d), F.S., which

1 requires the Department of Revenue to keep a
2 permanent record of the amounts of certain
3 refunds claimed and paid under ch. 212, F.S.,
4 and which requires that such records shall be
5 open to public inspection; repealing s.
6 238.03(9), F.S., relating to the authority of
7 the Department of Management Services to
8 photograph and reduce to microfilm as a
9 permanent record its ledger sheets showing the
10 salaries and contributions of members of the
11 Teachers' Retirement System of Florida, the
12 records of deceased members of the system, and
13 the authority to destroy the documents from
14 which such films derive; amending ss. 23.22,
15 27.02, 101.5607, 112.533, 1012.31, 257.34,
16 257.35, 282.21, 287.0943, 320.05, 322.20,
17 338.223, 401.27, 409.2577, 455.219, 456.025,
18 627.311, 627.351, 633.527, 668.50, 794.024, and
19 921.0022, F.S.; conforming cross-references;
20 reenacting s. 947.13(2)(a), F.S., relating to
21 the duty of the Parole Commission to examine
22 specified records, to incorporate the amendment
23 to s. 945.25, F.S., in a reference thereto;
24 repealing s. 430.015, F.S.; removing a public
25 necessity statement for a public records
26 exemption for identifying information contained
27 in records of elderly persons collected and
28 held by the Department of Elderly Affairs;
29 amending s. 440.132, F.S.; removing a public
30 necessity statement for a public records
31 exemption for investigatory records of the

1 Agency for Health Care Administration made or
2 received pursuant to a workers' compensation
3 managed care arrangement and examination
4 records necessary to complete an investigation;
5 repealing s. 723.0065, F.S.; removing a public
6 necessity statement for a public records
7 exemption for specified financial records of
8 mobile home park owners acquired by the
9 Division of Florida Land Sales, Condominiums,
10 and Mobile Homes of the Department of Business
11 and Professional Regulation, and the Bureau of
12 Mobile Homes of the division; repealing s.
13 768.301, F.S.; removing a public necessity
14 statement for a public records exemption for
15 certain claims files records and minutes of
16 meetings and proceedings relating to risk
17 management programs entered into by the state
18 and its agencies and subdivisions, and a public
19 meetings exemption for proceedings and meetings
20 regarding claims filed; amending s. 943.031,
21 F.S.; removing a public necessity statement for
22 a public records and public meetings exemption
23 for specified portions of meetings of the
24 Florida Violent Crime and Drug Control Council,
25 specified portions of public records generated
26 at closed council meetings, and documents
27 related to active criminal investigations or
28 matters constituting active criminal
29 intelligence; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

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

3 39.2021 Release of confidential information.--

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

24 (2) In cases involving serious bodily injury to a
25 child, the Department of Children and Family Services may
26 petition the court for an order for the immediate public
27 release of records of the department which pertain to the
28 protective investigation. The petition must be personally
29 served upon the child, the child's parent or guardian, and any
30 person named as an alleged perpetrator in the report of abuse,
31 abandonment, or neglect. The court must determine whether good

1 cause exists for the public release of the records sought no
2 later than 24 hours, excluding Saturdays, Sundays, and legal
3 holidays, after the date the department filed the petition
4 with the court. If the court does not grant or deny the
5 petition within the 24-hour time period, the department may
6 release to the public summary information including:

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

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

11 (c) The date of each judicial proceeding, a summary of
12 each participant's recommendations made at the judicial
13 proceeding, and the ruling of the court.

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

26 (3) When the court determines that good cause for
27 public access exists, the court shall direct that the
28 department redact the name of, and other identifying
29 information with respect to, any person identified in any
30 protective investigation report until such time as the court
31 finds that there is probable cause to believe that the person

1 identified committed an act of alleged abuse, abandonment, or
2 neglect.

3 Section 2. Section 119.01, Florida Statutes, is
4 amended to read:

5 119.01 General state policy on public records.--

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

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

17 ~~(2)(a)(3) The Legislature finds that providing access~~
18 ~~to public records is a duty of each agency and that Automation~~
19 ~~of public records must not erode the right of access to those~~
20 ~~records. As each agency increases its use of and dependence on~~
21 ~~electronic recordkeeping, each agency must~~ provide ensure
22 reasonable public access to records electronically maintained
23 and must ensure that exempt or confidential records are not
24 disclosed except as otherwise permitted by law.

25 (b) When designing or acquiring an electronic
26 recordkeeping system, an agency must consider whether such
27 system is capable of providing data in some common format such
28 as, but not limited to, the American Standard Code for
29 Information Interchange.

30 (c) An agency may not enter into a contract for the
31 creation or maintenance of a public records database if that

1 contract impairs the ability of the public to inspect or copy
2 the public records of the agency, including public records
3 that are on-line or stored in an electronic recordkeeping
4 system used by the agency.

5 (d) Subject to the restrictions of copyright and trade
6 secret laws and public records exemptions, agency use of
7 proprietary software must not diminish the right of the public
8 to inspect and copy a public record.

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

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

30 (3) If public funds are expended by an agency in
31 payment of dues or membership contributions for any person,

1 corporation, foundation, trust, association, group, or other
2 organization, all the financial, business, and membership
3 records of that person, corporation, foundation, trust,
4 association, group, or other organization which pertain to the
5 public agency are public records and subject to the provisions
6 of s. 119.07.

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

13 Section 3. Section 119.011, Florida Statutes, is
14 amended to read:

15 119.011 Definitions.--As used in ~~For the purpose of~~
16 this chapter, the term:

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

27 (2) "Agency" means any state, county, district,
28 authority, or municipal officer, department, division, board,
29 bureau, commission, or other separate unit of government
30 created or established by law including, for the purposes of
31 this chapter, the Commission on Ethics, the Public Service

1 Commission, and the Office of Public Counsel, and any other
2 public or private agency, person, partnership, corporation, or
3 business entity acting on behalf of any public agency.

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

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

15 (c) "Criminal intelligence information" and "criminal
16 investigative information" shall not include:

17 1. The time, date, location, and nature of a reported
18 crime.

19 2. The name, sex, age, and address of a person
20 arrested or of the victim of a crime except as provided in s.
21 119.07(6)(f)~~s. 119.07(3)(f)~~.

22 3. The time, date, and location of the incident and of
23 the arrest.

24 4. The crime charged.

25 5. Documents given or required by law or agency rule
26 to be given to the person arrested, except as provided in s.
27 119.07(6)(f)~~s. 119.07(3)(f)~~, and, except that the court in a
28 criminal case may order that certain information required by
29 law or agency rule to be given to the person arrested be
30 maintained in a confidential manner and exempt from the

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1 provisions of s. 119.07(1) until released at trial if it is
2 found that the release of such information would:

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

6 b. Impair the ability of a state attorney to locate or
7 prosecute a codefendant.

8 6. Informations and indictments except as provided in
9 s. 905.26.

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

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

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

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

29 (4) "Criminal justice agency" means:

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

31 ~~The term also includes~~

1 **(b)** Any other agency charged by law with criminal law
2 enforcement duties; ~~or~~

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

13 **(d)** The Department of Corrections.

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

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

24 **(7)** "Duplicated copies" means new copies produced by
25 duplicating, as defined in s. 283.30.

26 **(8)** "Exemption" means a provision of general law which
27 provides that a specified record or meeting, or portion
28 thereof, is not subject to the access requirements of s.
29 119.07(1), s. 286.011, or s. 24, Art. I of the State
30 Constitution.

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1 (9) "Information technology resources" means data
2 processing hardware and software and services, communications,
3 supplies, personnel, facility resources, maintenance, and
4 training.

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

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

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

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

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

24 (b) Collect, process, store, and retrieve financial
25 management information of the agency, such as payroll and
26 accounting records; or

27 (c) Control and direct access authorizations and
28 security measures for automated systems.

29 Section 4. Sections 119.0115, 119.012, and 119.02,
30 Florida Statutes, are repealed.

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1 Section 5. Section 119.021, Florida Statutes, is
2 amended to read:

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

5 119.021 Custodial requirements; maintenance,
6 preservation, and retention of public records.--

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

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

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

16 (c)1. Record books should be copied or repaired,
17 renovated, or rebound if worn, mutilated, damaged, or
18 difficult to read.

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

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

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

5 (b) Each agency shall comply with the rules
6 establishing retention schedules and disposal processes for
7 public records which are adopted by the records and
8 information management program of the division.

9 (c) Each public official shall systematically dispose
10 of records no longer needed, subject to the consent of the
11 records and information management program of the division in
12 accordance with s. 257.36.

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

29 (3) Agency orders that comprise final agency action
30 and that must be indexed or listed pursuant to s. 120.53 have
31 continuing legal significance; therefore, notwithstanding any

1 other provision of this chapter or any provision of chapter
2 257, each agency shall permanently maintain records of such
3 orders pursuant to the applicable rules of the Department of
4 State.

5 (4)(a) Whoever has custody of any public records shall
6 deliver, at the expiration of his or her term of office, to
7 his or her successor or, if there be none, to the records and
8 information management program of the Division of Library and
9 Information Services of the Department of State, all public
10 records kept or received by him or her in the transaction of
11 official business.

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

19 Section 6. Sections 119.031, 119.041, 119.05, and
20 119.06, Florida Statutes, are repealed.

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

23 119.07 Inspection, examination, and copying
24 duplication of records; photographing public records; fees;
25 exemptions.--

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

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1 (b) A person who has custody of a public record who
2 asserts that an exemption applies to a part of such record
3 shall redact that portion of the record to which an exemption
4 has been asserted and validly applies, and such person shall
5 produce the remainder of such record for inspection and
6 copying.

7 (c) If the person who has custody of a public record
8 contends that all or part of the record is exempt from
9 inspection and copying, he or she shall state the basis of the
10 exemption that he or she contends is applicable to the record,
11 including the statutory citation to an exemption created or
12 afforded by statute.

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

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

29 (f) Even if an assertion is made by the custodian of
30 public records that a requested record is not a public record
31 subject to public inspection or copying under this subsection,

1 the requested record shall, nevertheless, not be disposed of
2 for a period of 30 days after the date on which a written
3 request to inspect or copy the record was served on or
4 otherwise made to the custodian of public records by the
5 person seeking access to the record. If a civil action is
6 instituted within the 30-day period to enforce the provisions
7 of this section with respect to the requested record, the
8 custodian of public records may not dispose of the record
9 except by order of a court of competent jurisdiction after
10 notice to all affected parties.

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

19 (2)(a) As an additional means of inspecting or copying
20 public records, a custodian of public records may provide
21 access to public records by remote electronic means, provided
22 exempt or confidential information is not disclosed.

23 (b) The custodian of public records shall provide
24 safeguards to protect the contents of public records from
25 unauthorized remote electronic access or alteration and to
26 prevent the disclosure or modification of those portions of
27 public records which are exempt or confidential from
28 subsection (1) or s. 24, Art. I of the State Constitution.

29 (c) Unless otherwise required by law, the custodian of
30 public records may charge a fee for remote electronic access,
31 granted under a contractual arrangement with a user, which fee

1 may include the direct and indirect costs of providing such
2 access. Fees for remote electronic access provided to the
3 general public shall be in accordance with the provisions of
4 this section.

5 (3)(a) Any person shall have the right of access to
6 public records for the purpose of making photographs of the
7 record while such record is in the possession, custody, and
8 control of the custodian of public records.

9 (b) This subsection applies to the making of
10 photographs in the conventional sense by use of a camera
11 device to capture images of public records but excludes the
12 duplication of microfilm in the possession of the clerk of the
13 circuit court where a copy of the microfilm may be made
14 available by the clerk.

15 (c) Photographing public records shall be done under
16 the supervision of the custodian of public records, who may
17 adopt and enforce reasonable rules governing the photographing
18 of such records.

19 (d) Photographing of public records shall be done in
20 the room where the public records are kept. If, in the
21 judgment of the custodian of public records, this is
22 impossible or impracticable, photographing shall be done in
23 another room or place, as nearly adjacent as possible to the
24 room where the public records are kept, to be determined by
25 the custodian of public records. Where provision of another
26 room or place for photographing is required, the expense of
27 providing the same shall be paid by the person desiring to
28 photograph the public record pursuant to paragraph (4)(e).

29 (4) The custodian of public records shall furnish a
30 copy or a certified copy of the record upon payment of the fee
31

1 prescribed by law ~~or~~, If a fee is not prescribed by law, the
2 following fees are authorized:

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

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

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

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

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

26 (d) ~~(b)~~ If the nature or volume of public records
27 requested to be inspected, ~~examined~~, or copied pursuant to
28 this subsection is such as to require extensive use of
29 information technology resources or extensive clerical or
30 supervisory assistance by personnel of the agency involved, or
31 both, the agency may charge, in addition to the actual cost of

1 duplication, a special service charge, which shall be
2 reasonable and shall be based on the cost incurred for such
3 extensive use of information technology resources or the labor
4 cost of the personnel providing the service that is actually
5 incurred by the agency or attributable to the agency for the
6 clerical and supervisory assistance required, or both.

7 (e)1. Where provision of another room or place is
8 necessary to photograph public records, the expense of
9 providing the same shall be paid by the person desiring to
10 photograph the public records.

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

17 ~~"Information technology resources" means data processing~~
18 ~~hardware and software and services, communications, supplies,~~
19 ~~personnel, facility resources, maintenance, and training.~~

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

29 ~~(2)(a) A person who has custody of a public record and~~
30 ~~who asserts that an exemption provided in subsection (3) or in~~
31 ~~a general or special law applies to a particular public record~~

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

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

28 ~~(c) Even if an assertion is made by the custodian of a~~
29 ~~public record that a requested record is not a public record~~
30 ~~subject to public inspection and examination under subsection~~
31 ~~(1), the requested record shall, nevertheless, not be disposed~~

1 ~~of for a period of 30 days after the date on which a written~~
2 ~~request requesting the right to inspect, examine, or copy the~~
3 ~~record was served on or otherwise made to the custodian of the~~
4 ~~record by the person seeking access to the record. If a civil~~
5 ~~action is instituted within the 30-day period to enforce the~~
6 ~~provisions of this section with respect to the requested~~
7 ~~record, the custodian shall not dispose of the record except~~
8 ~~by order of a court of competent jurisdiction after notice to~~
9 ~~all affected parties.~~

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

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

24 (b)1. Active criminal intelligence information and
25 active criminal investigative information are exempt from the
26 provisions of subsection (1) and s. 24(a), Art. I of the State
27 Constitution.

28 2. A request of a law enforcement agency to inspect or
29 copy a public record that is in the custody of another agency,
30 the custodian's response to the request, and any information
31 that would identify the public record that was requested by

1 the law enforcement agency or provided by the custodian are
2 exempt from the requirements of subsection (1) and s. 24(a),
3 Art. I of the State Constitution, during the period in which
4 the information constitutes criminal intelligence information
5 or criminal investigative information that is active. This
6 exemption is remedial in nature, and it is the intent of the
7 Legislature that the exemption be applied to requests for
8 information received before, on, or after the effective date
9 of this subparagraph. The law enforcement agency shall give
10 notice to the custodial agency when the criminal intelligence
11 information or criminal investigative information is no longer
12 active, so that the custodian's response to the request and
13 information that would identify the public record requested
14 are available to the public. This subparagraph is subject to
15 the Open Government Sunset Review Act of 1995 in accordance
16 with s. 119.15 and shall stand repealed October 2, 2007,
17 unless reviewed and saved from repeal through reenactment by
18 the Legislature.

19 (c) Any information revealing the identity of a
20 confidential informant or a confidential source is exempt from
21 the provisions of subsection (1) and s. 24(a), Art. I of the
22 State Constitution.

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

1 (1) and s. 24(a), Art. I of the State Constitution and
2 unavailable for inspection, except by personnel authorized by
3 a state or local law enforcement agency, the office of the
4 Governor, the Department of Legal Affairs, the Department of
5 Law Enforcement, or the Department of Community Affairs as
6 having an official need for access to the inventory or
7 comprehensive policies or plans.

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

11 (f)1. Any criminal intelligence information or
12 criminal investigative information including the photograph,
13 name, address, or other fact or information which reveals the
14 identity of the victim of the crime of sexual battery as
15 defined in chapter 794; the identity of the victim of a lewd
16 or lascivious offense committed upon or in the presence of a
17 person less than 16 years of age, as defined in chapter 800;
18 or the identity of the victim of the crime of child abuse as
19 defined by chapter 827 and any criminal intelligence
20 information or criminal investigative information or other
21 criminal record, including those portions of court records and
22 court proceedings, which may reveal the identity of a person
23 who is a victim of any sexual offense, including a sexual
24 offense proscribed in chapter 794, chapter 800, or chapter
25 827, is exempt from the provisions of subsection (1) and s.
26 24(a), Art. I of the State Constitution.

27 2. In addition to subparagraph 1., any criminal
28 intelligence information or criminal investigative information
29 which is a photograph, videotape, or image of any part of the
30 body of the victim of a sexual offense prohibited under
31 chapter 794, chapter 800, or chapter 827, regardless of

1 whether the photograph, videotape, or image identifies the
2 victim, is confidential and exempt from subsection (1) and s.
3 24(a), Art. I of the State Constitution. This exemption
4 applies to photographs, videotapes, or images held as criminal
5 intelligence information or criminal investigative information
6 before, on, or after the effective date of the exemption.

7 (g) Any criminal intelligence information or criminal
8 investigative information which reveals the personal assets of
9 the victim of a crime, other than property stolen or destroyed
10 during the commission of the crime, is exempt from the
11 provisions of subsection (1) and s. 24(a), Art. I of the State
12 Constitution.

13 (h) All criminal intelligence and criminal
14 investigative information received by a criminal justice
15 agency prior to January 25, 1979, is exempt from the
16 provisions of subsection (1) and s. 24(a), Art. I of the State
17 Constitution.

18 (i)1. The home addresses, telephone numbers, social
19 security numbers, and photographs of active or former law
20 enforcement personnel, including correctional and correctional
21 probation officers, personnel of the Department of Children
22 and Family Services whose duties include the investigation of
23 abuse, neglect, exploitation, fraud, theft, or other criminal
24 activities, personnel of the Department of Health whose duties
25 are to support the investigation of child abuse or neglect,
26 and personnel of the Department of Revenue or local
27 governments whose responsibilities include revenue collection
28 and enforcement or child support enforcement; the home
29 addresses, telephone numbers, social security numbers,
30 photographs, and places of employment of the spouses and
31 children of such personnel; and the names and locations of

1 schools and day care facilities attended by the children of
2 such personnel are exempt from the provisions of subsection
3 (1). The home addresses, telephone numbers, and photographs of
4 firefighters certified in compliance with s. 633.35; the home
5 addresses, telephone numbers, photographs, and places of
6 employment of the spouses and children of such firefighters;
7 and the names and locations of schools and day care facilities
8 attended by the children of such firefighters are exempt from
9 subsection (1). The home addresses and telephone numbers of
10 justices of the Supreme Court, district court of appeal
11 judges, circuit court judges, and county court judges; the
12 home addresses, telephone numbers, and places of employment of
13 the spouses and children of justices and judges; and the names
14 and locations of schools and day care facilities attended by
15 the children of justices and judges are exempt from the
16 provisions of subsection (1). The home addresses, telephone
17 numbers, social security numbers, and photographs of current
18 or former state attorneys, assistant state attorneys,
19 statewide prosecutors, or assistant statewide prosecutors; the
20 home addresses, telephone numbers, social security numbers,
21 photographs, and places of employment of the spouses and
22 children of current or former state attorneys, assistant state
23 attorneys, statewide prosecutors, or assistant statewide
24 prosecutors; and the names and locations of schools and day
25 care facilities attended by the children of current or former
26 state attorneys, assistant state attorneys, statewide
27 prosecutors, or assistant statewide prosecutors are exempt
28 from subsection (1) and s. 24(a), Art. I of the State
29 Constitution.

30 2. The home addresses, telephone numbers, social
31 security numbers, and photographs of current or former human

1 resource, labor relations, or employee relations directors,
2 assistant directors, managers, or assistant managers of any
3 local government agency or water management district whose
4 duties include hiring and firing employees, labor contract
5 negotiation, administration, or other personnel-related
6 duties; the names, home addresses, telephone numbers, social
7 security numbers, photographs, and places of employment of the
8 spouses and children of such personnel; and the names and
9 locations of schools and day care facilities attended by the
10 children of such personnel are exempt from subsection (1) and
11 s. 24(a), Art. I of the State Constitution. This subparagraph
12 is subject to the Open Government Sunset Review Act of 1995 in
13 accordance with s. 119.15, and shall stand repealed on October
14 2, 2006, unless reviewed and saved from repeal through
15 reenactment by the Legislature.

16 3. The home addresses, telephone numbers, social
17 security numbers, and photographs of current or former code
18 enforcement officers; the names, home addresses, telephone
19 numbers, social security numbers, photographs, and places of
20 employment of the spouses and children of such persons; and
21 the names and locations of schools and day care facilities
22 attended by the children of such persons are exempt from
23 subsection (1) and s. 24(a), Art. I of the State Constitution.
24 This subparagraph is subject to the Open Government Sunset
25 Review Act of 1995 in accordance with s. 119.15, and shall
26 stand repealed on October 2, 2006, unless reviewed and saved
27 from repeal through reenactment by the Legislature.

28 4. An agency that is the custodian of the personal
29 information specified in subparagraph 1., subparagraph 2., or
30 subparagraph 3. and that is not the employer of the officer,
31 employee, justice, judge, or other person specified in

1 subparagraph 1., subparagraph 2., or subparagraph 3. shall
2 maintain the exempt status ~~confidentiality~~ of the personal
3 information only if the officer, employee, justice, judge,
4 other person, or employing agency of the designated employee
5 submits a written request for maintenance of the exemption
6 ~~confidentiality~~ to the custodial agency.

7 (j) Any information provided to an agency of state
8 government or to an agency of a political subdivision of the
9 state for the purpose of forming ridesharing arrangements,
10 which information reveals the identity of an individual who
11 has provided his or her name for ridesharing, as defined in s.
12 341.031, is exempt from the provisions of subsection (1) and
13 s. 24(a), Art. I of the State Constitution.

14 (k) Any information revealing the substance of a
15 confession of a person arrested is exempt from the provisions
16 of subsection (1) and s. 24(a), Art. I of the State
17 Constitution, until such time as the criminal case is finally
18 determined by adjudication, dismissal, or other final
19 disposition.

20 (l)1. A public record which was prepared by an agency
21 attorney (including an attorney employed or retained by the
22 agency or employed or retained by another public officer or
23 agency to protect or represent the interests of the agency
24 having custody of the record) or prepared at the attorney's
25 express direction, which reflects a mental impression,
26 conclusion, litigation strategy, or legal theory of the
27 attorney or the agency, and which was prepared exclusively for
28 civil or criminal litigation or for adversarial administrative
29 proceedings, or which was prepared in anticipation of imminent
30 civil or criminal litigation or imminent adversarial
31 administrative proceedings, is exempt from the provisions of

1 subsection (1) and s. 24(a), Art. I of the State Constitution
2 until the conclusion of the litigation or adversarial
3 administrative proceedings. For purposes of capital collateral
4 litigation as set forth in s. 27.7001, the Attorney General's
5 office is entitled to claim this exemption for those public
6 records prepared for direct appeal as well as for all capital
7 collateral litigation after direct appeal until execution of
8 sentence or imposition of a life sentence.

9 2. This exemption is not waived by the release of such
10 public record to another public employee or officer of the
11 same agency or any person consulted by the agency attorney.
12 When asserting the right to withhold a public record pursuant
13 to this paragraph, the agency shall identify the potential
14 parties to any such criminal or civil litigation or
15 adversarial administrative proceedings. If a court finds that
16 the document or other record has been improperly withheld
17 under this paragraph, the party seeking access to such
18 document or record shall be awarded reasonable attorney's fees
19 and costs in addition to any other remedy ordered by the
20 court.

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

28 (n) When an agency of the executive branch of state
29 government seeks to acquire real property by purchase or
30 through the exercise of the power of eminent domain all
31 appraisals, other reports relating to value, offers, and

1 counteroffers must be in writing and are exempt from the
2 provisions of subsection (1) and s. 24(a), Art. I of the State
3 Constitution until execution of a valid option contract or a
4 written offer to sell that has been conditionally accepted by
5 the agency, at which time the exemption shall expire. The
6 agency shall not finally accept the offer for a period of 30
7 days in order to allow public review of the transaction. The
8 agency may give conditional acceptance to any option or offer
9 subject only to final acceptance by the agency after the
10 30-day review period. If a valid option contract is not
11 executed, or if a written offer to sell is not conditionally
12 accepted by the agency, then the exemption from the provisions
13 of this chapter shall expire at the conclusion of the
14 condemnation litigation of the subject property. An agency of
15 the executive branch may exempt title information, including
16 names and addresses of property owners whose property is
17 subject to acquisition by purchase or through the exercise of
18 the power of eminent domain, from the provisions of subsection
19 (1) and s. 24(a), Art. I of the State Constitution to the same
20 extent as appraisals, other reports relating to value, offers,
21 and counteroffers. For the purpose of this paragraph, "option
22 contract" means an agreement of an agency of the executive
23 branch of state government to purchase real property subject
24 to final agency approval. This paragraph shall have no
25 application to other exemptions from the provisions of
26 subsection (1) which are contained in other provisions of law
27 and shall not be construed to be an express or implied repeal
28 thereof.

29 (o) Data processing software obtained by an agency
30 under a licensing agreement which prohibits its disclosure and
31 which software is a trade secret, as defined in s. 812.081,

1 and agency-produced data processing software which is
2 sensitive are exempt from the provisions of subsection (1) and
3 s. 24(a), Art. I of the State Constitution. The designation
4 of agency-produced software as sensitive shall not prohibit an
5 agency head from sharing or exchanging such software with
6 another public agency. ~~As used in this paragraph:~~

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

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

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

18 ~~b. Collect, process, store, and retrieve financial~~
19 ~~management information of the agency, such as payroll and~~
20 ~~accounting records; or~~

21 ~~c. Control and direct access authorizations and~~
22 ~~security measures for automated systems.~~

23 (p) All complaints and other records in the custody of
24 any unit of local government which relate to a complaint of
25 discrimination relating to race, color, religion, sex,
26 national origin, age, handicap, marital status, sale or rental
27 of housing, the provision of brokerage services, or the
28 financing of housing are exempt from the provisions of
29 subsection (1) and s. 24(a), Art. I of the State Constitution
30 until a finding is made relating to probable cause, the
31 investigation of the complaint becomes inactive, or the

1 complaint or other record is made part of the official record
2 of any hearing or court proceeding. This provision shall not
3 affect any function or activity of the Florida Commission on
4 Human Relations. Any state or federal agency which is
5 authorized to have access to such complaints or records by any
6 provision of law shall be granted such access in the
7 furtherance of such agency's statutory duties, notwithstanding
8 the provisions of this section. This paragraph shall not be
9 construed to modify or repeal any special or local act.

10 (q) All complaints and other records in the custody of
11 any agency in the executive branch of state government which
12 relate to a complaint of discrimination relating to race,
13 color, religion, sex, national origin, age, handicap, or
14 marital status in connection with hiring practices, position
15 classifications, salary, benefits, discipline, discharge,
16 employee performance, evaluation, or other related activities
17 are exempt from the provisions of subsection (1) and s. 24(a),
18 Art. I of the State Constitution until a finding is made
19 relating to probable cause, the investigation of the complaint
20 becomes inactive, or the complaint or other record is made
21 part of the official record of any hearing or court
22 proceeding. This provision shall not affect any function or
23 activity of the Florida Commission on Human Relations. Any
24 state or federal agency which is authorized to have access to
25 such complaints or records by any provision of law shall be
26 granted such access in the furtherance of such agency's
27 statutory duties, notwithstanding the provisions of this
28 section.

29 (r) All records supplied by a telecommunications
30 company, as defined by s. 364.02, to a state or local
31 governmental agency which contain the name, address, and

1 telephone number of subscribers are confidential and exempt
2 from the provisions of subsection (1) and s. 24(a), Art. I of
3 the State Constitution.

4 (s)1. Any document that reveals the identity, home or
5 employment telephone number, home or employment address, or
6 personal assets of the victim of a crime and identifies that
7 person as the victim of a crime, which document is received by
8 any agency that regularly receives information from or
9 concerning the victims of crime, is exempt from the provisions
10 of subsection (1) and s. 24(a), Art. I of the State
11 Constitution. Any information not otherwise held confidential
12 or exempt from the provisions of subsection (1) which reveals
13 the home or employment telephone number, home or employment
14 address, or personal assets of a person who has been the
15 victim of sexual battery, aggravated child abuse, aggravated
16 stalking, harassment, aggravated battery, or domestic violence
17 is exempt from the provisions of subsection (1) and s. 24(a),
18 Art. I of the State Constitution, upon written request by the
19 victim, which must include official verification that an
20 applicable crime has occurred. Such information shall cease to
21 be exempt 5 years after the receipt of the written request.
22 Any state or federal agency that is authorized to have access
23 to such documents by any provision of law shall be granted
24 such access in the furtherance of such agency's statutory
25 duties, notwithstanding the provisions of this section.

26 2.a. Any information in a videotaped statement of a
27 minor who is alleged to be or who is a victim of sexual
28 battery, lewd acts, or other sexual misconduct proscribed in
29 chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s.
30 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which
31 reveals that minor's identity, including, but not limited to,

1 the minor's face; the minor's home, school, church, or
2 employment telephone number; the minor's home, school, church,
3 or employment address; the name of the minor's school, church,
4 or place of employment; or the personal assets of the minor;
5 and which identifies that minor as the victim of a crime
6 described in this subparagraph, held by a law enforcement
7 agency, is confidential and exempt from subsection (1) and s.
8 24(a), Art. I of the State Constitution. Any governmental
9 agency that is authorized to have access to such statements by
10 any provision of law shall be granted such access in the
11 furtherance of the agency's statutory duties, notwithstanding
12 the provisions of this section.

13 b. A public employee or officer who has access to a
14 videotaped statement of a minor who is alleged to be or who is
15 a victim of sexual battery, lewd acts, or other sexual
16 misconduct proscribed in chapter 800 or in s. 794.011, s.
17 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or
18 s. 847.0145, may not willfully and knowingly disclose
19 videotaped information that reveals the minor's identity to a
20 person who is not assisting in the investigation or
21 prosecution of the alleged offense or to any person other than
22 the defendant, the defendant's attorney, or a person specified
23 in an order entered by the court having jurisdiction of the
24 alleged offense. A person who violates this provision commits
25 a misdemeanor of the first degree, punishable as provided in
26 s. 775.082 or s. 775.083.

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

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

7 (v) Medical information pertaining to a prospective,
8 current, or former officer or employee of an agency which, if
9 disclosed, would identify that officer or employee is exempt
10 from the provisions of subsection (1) and s. 24(a), Art. I of
11 the State Constitution. However, such information may be
12 disclosed if the person to whom the information pertains or
13 the person's legal representative provides written permission
14 or pursuant to court order.

15 (w)1. If certified pursuant to subparagraph 2., an
16 investigatory record of the Chief Inspector General within the
17 Executive Office of the Governor or of the employee designated
18 by an agency head as the agency inspector general under s.
19 112.3189 is exempt from the provisions of subsection (1) and
20 s. 24(a), Art. I of the State Constitution until the
21 registration ceases to be active, or a report detailing the
22 investigation is provided to the Governor or the agency head,
23 or 60 days from the inception of the investigation for which
24 the record was made or received, whichever first occurs.
25 Investigatory records are those records which are related to
26 the investigation of an alleged, specific act or omission or
27 other wrongdoing, with respect to an identifiable person or
28 group of persons, based on information compiled by the Chief
29 Inspector General or by an agency inspector general, as named
30 under the provisions of s. 112.3189, in the course of an
31 investigation. An investigation is active if it is continuing

1 with a reasonable, good faith anticipation of resolution and
2 with reasonable dispatch.

3 2. The Governor, in the case of the Chief Inspector
4 General, or agency head, in the case of an employee designated
5 as the agency inspector general under s. 112.3189, may certify
6 such investigatory records require an exemption to protect the
7 integrity of the investigation or avoid unwarranted damage to
8 an individual's good name or reputation. The certification
9 shall specify the nature and purpose of the investigation and
10 shall be kept with the exempt records and made public when the
11 records are made public.

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

15 (x) The social security numbers of all current and
16 former agency employees which numbers are contained in agency
17 employment records are exempt from subsection (1) and exempt
18 from s. 24(a), Art. I of the State Constitution. As used in
19 this paragraph, the term "agency" means an agency as defined
20 in s. 119.011.

21 (y) The audit report of an internal auditor prepared
22 for or on behalf of a unit of local government becomes a
23 public record when the audit becomes final. As used in this
24 paragraph, "unit of local government" means a county,
25 municipality, special district, local agency, authority,
26 consolidated city-county government, or any other local
27 governmental body or public body corporate or politic
28 authorized or created by general or special law. An audit
29 becomes final when the audit report is presented to the unit
30 of local government. Audit workpapers and notes related to
31 such audit report are confidential and exempt from the

1 provisions of subsection (1) and s. 24(a), Art. I of the State
2 Constitution until the audit is completed and the audit report
3 becomes final.

4 (z) Any data, record, or document used directly or
5 solely by a municipally owned utility to prepare and submit a
6 bid relative to the sale, distribution, or use of any service,
7 commodity, or tangible personal property to any customer or
8 prospective customer shall be exempt from the provisions of
9 subsection (1) and s. 24(a), Art. I of the State Constitution.
10 This exemption commences when a municipal utility identifies
11 in writing a specific bid to which it intends to respond. This
12 exemption no longer applies when the contract for sale,
13 distribution, or use of the service, commodity, or tangible
14 personal property is executed, a decision is made not to
15 execute such contract, or the project is no longer under
16 active consideration. The exemption in this paragraph includes
17 the bid documents actually furnished in response to the
18 request for bids. However, the exemption for the bid documents
19 submitted no longer applies after the bids are opened by the
20 customer or prospective customer.

21 (aa) Upon a request made in a form designated by the
22 Department of Highway Safety and Motor Vehicles, personal
23 information contained in a motor vehicle record that
24 identifies the requester is exempt from subsection (1) and s.
25 24(a), Art. I of the State Constitution except as provided in
26 this paragraph. Personal information includes, but is not
27 limited to, the requester's social security number, driver
28 identification number, name, address, telephone number, and
29 medical or disability information. For purposes of this
30 paragraph, personal information does not include information
31 relating to vehicular crashes, driving violations, and

1 driver's status. Such request may be made only by the person
2 who is the subject of the motor vehicle record. For purposes
3 of this paragraph, "motor vehicle record" means any record
4 that pertains to a motor vehicle operator's permit, motor
5 vehicle title, motor vehicle registration, or identification
6 card issued by the Department of Highway Safety and Motor
7 Vehicles. Personal information contained in motor vehicle
8 records exempted by an individual's request pursuant to this
9 paragraph shall be released by the department for any of the
10 following uses:

11 1. For use in connection with matters of motor vehicle
12 or driver safety and theft; motor vehicle emissions; motor
13 vehicle product alterations, recalls, or advisories;
14 performance monitoring of motor vehicles and dealers by motor
15 vehicle manufacturers; and removal of nonowner records from
16 the original owner records of motor vehicle manufacturers, to
17 carry out the purposes of the Automobile Information
18 Disclosure Act, the Motor Vehicle Information and Cost Saving
19 Act, the National Traffic and Motor Vehicle Safety Act of
20 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

21 2. For use by any government agency, including any
22 court or law enforcement agency, in carrying out its
23 functions, or any private person or entity acting on behalf of
24 a federal, state, or local agency in carrying out its
25 functions.

26 3. For use in connection with matters of motor vehicle
27 or driver safety and theft; motor vehicle emissions; motor
28 vehicle product alterations, recalls, or advisories;
29 performance monitoring of motor vehicles, motor vehicle parts,
30 and dealers; motor vehicle market research activities,
31 including survey research; and removal of nonowner records

1 from the original owner records of motor vehicle
2 manufacturers.

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

6 a. To verify the accuracy of personal information
7 submitted by the individual to the business or its agents,
8 employees, or contractors; and

9 b. If such information as so submitted is not correct
10 or is no longer correct, to obtain the correct information,
11 but only for the purposes of preventing fraud by, pursuing
12 legal remedies against, or recovering on a debt or security
13 interest against, the individual.

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

17 a. Service of process by any certified process server,
18 special process server, or other person authorized to serve
19 process in this state.

20 b. Investigation in anticipation of litigation by an
21 attorney licensed to practice law in this state or the agent
22 of the attorney.

23 c. Investigation by any person in connection with any
24 filed proceeding.

25 d. Execution or enforcement of judgments and orders.

26 e. Compliance with an order of any court.

27 6. For use in research activities and for use in
28 producing statistical reports, so long as the personal
29 information is not published, redisclosed, or used to contact
30 individuals.

31

1 7. For use by any insurer or insurance support
2 organization, or by a self-insured entity, or its agents,
3 employees, or contractors, in connection with claims
4 investigation activities, anti-fraud activities, rating, or
5 underwriting.

6 8. For use in providing notice to the owners of towed
7 or impounded vehicles.

8 9. For use by any licensed private investigative
9 agency or licensed security service for any purpose permitted
10 under this paragraph. Personal information obtained based on
11 an exempt driver's record may not be provided to a client who
12 cannot demonstrate a need based on a police report, court
13 order, or a business or personal relationship with the subject
14 of the investigation.

15 10. For use by an employer or its agent or insurer to
16 obtain or verify information relating to a holder of a
17 commercial driver's license that is required under the
18 Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. App.
19 2710 et seq.

20 11. For use in connection with the operation of
21 private toll transportation facilities.

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

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

27 b. The information will be used, rented, or sold
28 solely for bulk distribution for survey, marketing, and
29 solicitations, and that surveys, marketing, and solicitations
30 will not be directed at those individuals who have timely
31 requested that they not be directed at them.

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

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

7
8 Personal information exempted from public disclosure according
9 to this paragraph may be disclosed by the Department of
10 Highway Safety and Motor Vehicles to an individual, firm,
11 corporation, or similar business entity whose primary business
12 interest is to resell or redisclose the personal information
13 to persons who are authorized to receive such information.
14 Prior to the department's disclosure of personal information,
15 such individual, firm, corporation, or similar business entity
16 must first enter into a contract with the department regarding
17 the care, custody, and control of the personal information to
18 ensure compliance with the federal Driver's Privacy Protection
19 Act of 1994 and applicable state laws. An authorized recipient
20 of personal information contained in a motor vehicle record,
21 except a recipient under subparagraph 12., may contract with
22 the Department of Highway Safety and Motor Vehicles to resell
23 or redisclose the information for any use permitted under this
24 paragraph. However, only authorized recipients of personal
25 information under subparagraph 12. may resell or redisclose
26 personal information pursuant to subparagraph 12. Any
27 authorized recipient who resells or rediscloses personal
28 information shall maintain, for a period of 5 years, records
29 identifying each person or entity that receives the personal
30 information and the permitted purpose for which it will be
31 used. Such records shall be made available for inspection upon

1 request by the department. The department shall adopt rules to
2 carry out the purposes of this paragraph and the federal
3 Driver's Privacy Protection Act of 1994, Title XXX, Pub. L.
4 No. 103-322. Rules adopted by the department shall provide for
5 the payment of applicable fees and, prior to the disclosure of
6 personal information pursuant to this paragraph, shall require
7 the meeting of conditions by the requesting person for the
8 purposes of obtaining reasonable assurance concerning the
9 identity of such requesting person, and, to the extent
10 required, assurance that the use will be only as authorized or
11 that the consent of the person who is the subject of the
12 personal information has been obtained. Such conditions may
13 include, but need not be limited to, the making and filing of
14 a written application in such form and containing such
15 information and certification requirements as the department
16 requires.

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

1 (cc) All personal identifying information; bank
2 account numbers; and debit, charge, and credit card numbers
3 contained in records relating to an individual's personal
4 health or eligibility for health-related services made or
5 received by the Department of Health or its service providers
6 are confidential and exempt from the provisions of subsection
7 (1) and s. 24(a), Art. I of the State Constitution, except as
8 otherwise provided in this paragraph. Information made
9 confidential and exempt by this paragraph shall be disclosed:
10 1. With the express written consent of the individual
11 or the individual's legally authorized representative.
12 2. In a medical emergency, but only to the extent
13 necessary to protect the health or life of the individual.
14 3. By court order upon a showing of good cause.
15 4. To a health research entity, if the entity seeks
16 the records or data pursuant to a research protocol approved
17 by the department, maintains the records or data in accordance
18 with the approved protocol, and enters into a purchase and
19 data-use agreement with the department, the fee provisions of
20 which are consistent with subsection (4) paragraph (1)(a).
21 The department may deny a request for records or data if the
22 protocol provides for intrusive follow-back contacts, has not
23 been approved by a human studies institutional review board,
24 does not plan for the destruction of confidential records
25 after the research is concluded, is administratively
26 burdensome, or does not have scientific merit. The agreement
27 must restrict the release of any information, which would
28 permit the identification of persons, limit the use of records
29 or data to the approved research protocol, and prohibit any
30 other use of the records or data. Copies of records or data
31

1 issued pursuant to this subparagraph remain the property of
2 the department.

3

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

8 (dd) Bank account numbers and debit, charge, and
9 credit card numbers held by an agency are exempt from
10 subsection (1) and s. 24(a), Art. I of the State Constitution.
11 This exemption applies to bank account numbers and debit,
12 charge, and credit card numbers held by an agency before, on,
13 or after the effective date of this exemption. This paragraph
14 is subject to the Open Government Sunset Review Act of 1995 in
15 accordance with s. 119.15, and shall stand repealed on October
16 2, 2007, unless reviewed and saved from repeal through
17 reenactment by the Legislature.

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

1 if disclosure is necessary for the receiving entity to perform
2 its duties and responsibilities; to a licensed architect,
3 engineer, or contractor who is performing work on or related
4 to the building, arena, stadium, water treatment facility, or
5 other structure owned or operated by an agency; or upon a
6 showing of good cause before a court of competent
7 jurisdiction. The entities or persons receiving such
8 information shall maintain the exempt status of the
9 information. This paragraph is subject to the Open Government
10 Sunset Review Act of 1995 in accordance with s. 119.15, and
11 shall stand repealed on October 2, 2007, unless reviewed and
12 reenacted by the Legislature.

13 (ff)1. Until January 1, 2006, if a social security
14 number, made confidential and exempt pursuant to s. 119.0721,
15 created pursuant to s. 1, ch. 2002-256, passed during the 2002
16 regular legislative session, or a complete bank account,
17 debit, charge, or credit card number made exempt pursuant to
18 paragraph (dd), created pursuant to s. 1, ch. 2002-257, passed
19 during the 2002 regular legislative session, is or has been
20 included in a court file, such number may be included as part
21 of the court record available for public inspection and
22 copying unless redaction is requested by the holder of such
23 number, or by the holder's attorney or legal guardian, in a
24 signed, legibly written request specifying the case name, case
25 number, document heading, and page number. The request must be
26 delivered by mail, facsimile, electronic transmission, or in
27 person to the clerk of the circuit court. The clerk of the
28 circuit court does not have a duty to inquire beyond the
29 written request to verify the identity of a person requesting
30 redaction. A fee may not be charged for the redaction of a
31

1 social security number or a bank account, debit, charge, or
2 credit card number pursuant to such request.

3 2. Any person who prepares or files a document to be
4 recorded in the official records by the county recorder as
5 provided in chapter 28 may not include a person's social
6 security number or complete bank account, debit, charge, or
7 credit card number in that document unless otherwise expressly
8 required by law. Until January 1, 2006, if a social security
9 number or a complete bank account, debit, charge or credit
10 card number is or has been included in a document presented to
11 the county recorder for recording in the official records of
12 the county, such number may be made available as part of the
13 official record available for public inspection and copying.
14 Any person, or his or her attorney or legal guardian, may
15 request that a county recorder remove from an image or copy of
16 an official record placed on a county recorder's publicly
17 available Internet website, or a publicly available Internet
18 website used by a county recorder to display public records
19 outside the office or otherwise made electronically available
20 outside the county recorder's office to the general public,
21 his or her social security number or complete account, debit,
22 charge, or credit card number contained in that official
23 record. Such request must be legibly written, signed by the
24 requester, and delivered by mail, facsimile, electronic
25 transmission, or in person to the county recorder. The request
26 must specify the identification page number of the document
27 that contains the number to be redacted. The county recorder
28 does not have a duty to inquire beyond the written request to
29 verify the identity of a person requesting redaction. A fee
30 may not be charged for redacting such numbers.

31

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

5 4. On January 1, 2006, and thereafter, the clerk of
6 the circuit court and the county recorder must keep complete
7 bank account, debit, charge, and credit card numbers exempt as
8 provided for in paragraph (dd), and must keep social security
9 numbers confidential and exempt as provided for in s.
10 119.0721, without any person having to request redaction.

11 (gg) All personal identifying information contained in
12 records relating to a person's health held by local
13 governmental entities or their service providers for the
14 purpose of determining eligibility for paratransit services
15 under Title II of the Americans with Disabilities Act or
16 eligibility for the transportation disadvantaged program as
17 provided in part I of chapter 427 is confidential and exempt
18 from the provisions of subsection (1) and s. 24(a), Art. I of
19 the State Constitution, except as otherwise provided herein.
20 This exemption applies to personal identifying information
21 contained in such records held by local governmental entities
22 or their service providers before, on, or after the effective
23 date of this exemption. Information made confidential and
24 exempt by this paragraph shall be disclosed:

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

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

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

30 4. For the purpose of determining eligibility for
31 paratransit services if the individual or the individual's

1 | legally authorized representative has filed an appeal or
2 | petition before an administrative body of a local government
3 | or a court.

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

8 | ~~(7)(4)~~ Nothing in this section shall be construed to
9 | exempt from subsection (1) a public record which was made a
10 | part of a court file and which is not specifically closed by
11 | order of court, except as provided in paragraphs (c), (d),
12 | (e), (k), (l), and (o) of subsection~~(6)(3)~~and except
13 | information or records which may reveal the identity of a
14 | person who is a victim of a sexual offense as provided in
15 | paragraph (f) of subsection~~(6)(3)~~.

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

19 | ~~(8)(6)~~ Nothing in subsection~~(6)(3)~~or any other
20 | general or special law shall limit the access of the Auditor
21 | General, the Office of Program Policy Analysis and Government
22 | Accountability, or any state, county, municipal, university,
23 | board of community college, school district, or special
24 | district internal auditor to public records when such person
25 | states in writing that such records are needed for a properly
26 | authorized audit, examination, or investigation. Such person
27 | shall maintain the exempt or confidential status of a
28 | ~~confidentiality of any public record records that is exempt or~~
29 | ~~are confidential or exempt~~ from the provisions of subsection
30 | (1) and shall be subject to the same penalties as the
31 |

1 ~~custodian~~ custodians of that record ~~those public records~~ for
2 public disclosure of such record ~~violating confidentiality.~~

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

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

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

1 ~~pertain to the protective investigation. The petition must be~~
2 ~~personally served upon the child or vulnerable adult, the~~
3 ~~child's parents or guardian, the legal guardian of that~~
4 ~~person, if any, and any person named as an alleged perpetrator~~
5 ~~in the report of abuse, neglect, abandonment, or exploitation.~~
6 ~~The court must determine if good cause exists for the public~~
7 ~~release of the records sought no later than 24 hours,~~
8 ~~excluding Saturdays, Sundays, and legal holidays, after the~~
9 ~~date the department filed the petition with the court. If the~~
10 ~~court has neither granted nor denied the petition within the~~
11 ~~24-hour time period, the department may release to the public~~
12 ~~summary information including:~~

13 ~~1. A confirmation that an investigation has been~~
14 ~~conducted concerning the alleged victim.~~

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

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

20
21 ~~The summary information may not include the name of, or other~~
22 ~~identifying information with respect to, any person identified~~
23 ~~in any investigation. In making a determination to release~~
24 ~~confidential information, the court shall balance the best~~
25 ~~interests of the vulnerable adult or child who is the focus of~~
26 ~~the investigation and, in the case of the child, the interests~~
27 ~~of that child's siblings, together with the privacy rights of~~
28 ~~other persons identified in the reports against the public~~
29 ~~interest for access to public records. However, this paragraph~~
30 ~~does not contravene ss. 39.202 and 415.107, which protect the~~
31

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

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

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

19 Section 8. Section 119.08, Florida Statutes, is
20 repealed.

21 Section 9. Section 119.084, Florida Statutes, is
22 amended to read:

23 119.084 ~~Definitions~~ Copyright of data processing
24 software created by governmental agencies; sale price and
25 licensing fee; ~~access to public records; prohibited~~
26 ~~contracts.~~--

27 (1) As used in this section, +

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

31

1 ~~(b) "Data processing software" means the programs and~~
2 ~~routines used to employ and control the capabilities of data~~
3 ~~processing hardware, including, but not limited to, operating~~
4 ~~systems, compilers, assemblers, utilities, library routines,~~
5 ~~maintenance routines, applications, and computer networking~~
6 ~~programs.~~

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

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

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

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

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

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

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

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

1 ~~system used by the agency. Such contract may not allow any~~
2 ~~impediment that as a practical matter makes it more difficult~~
3 ~~for the public to inspect or copy the records than to inspect~~
4 ~~or copy the agency's records. The fees and costs for the~~
5 ~~production of such records may not be more than the fees or~~
6 ~~costs charged by the agency.~~

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

11 Section 10. Sections 119.085 and 119.09, Florida
12 Statutes, are repealed.

13 Section 11. Section 119.10, Florida Statutes, is
14 amended to read:

15 119.10 Violation of chapter; penalties.--

16 (1) Any public officer who:

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

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

24 (2) Any person who willfully and knowingly violates:
25 ~~violating~~

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

29 (b)~~(3)~~ Section ~~Any person who willfully and knowingly~~
30 ~~violates s.119.105~~ commits a felony of the third degree,
31

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084.

3 Section 12. Section 119.105, Florida Statutes, is
4 amended to read:

5 119.105 Protection of victims of crimes or
6 accidents.--Police reports are public records except as
7 otherwise made exempt or confidential ~~by general or special~~
8 ~~law~~. Every person is allowed to examine nonexempt or
9 nonconfidential police reports. A person who comes into
10 possession of exempt or confidential information contained in
11 police reports may not use that information for any commercial
12 solicitation of the victims or relatives of the victims of the
13 reported crimes or accidents and may not knowingly disclose
14 such information to any third party for the purpose of such
15 solicitation during the period of time that information
16 remains exempt or confidential. This section does not prohibit
17 the publication of such information to the general public by
18 any news media legally entitled to possess that information or
19 the use of such information for any other data collection or
20 analysis purposes by those entitled to possess that
21 information.

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

24 119.12 Attorney's fees.--

25 ~~(1)~~ If a civil action is filed against an agency to
26 enforce the provisions of this chapter and if the court
27 determines that such agency unlawfully refused to permit a
28 public record to be inspected, ~~examined,~~ or copied, the court
29 shall assess and award, against the agency responsible, the
30 reasonable costs of enforcement including reasonable
31 attorneys' fees.

1 ~~(2) Whenever an agency appeals a court order requiring~~
2 ~~it to permit inspection of records pursuant to this chapter~~
3 ~~and such order is affirmed, the court shall assess a~~
4 ~~reasonable attorney's fee for the appeal against such agency.~~

5 Section 14. 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 15. 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 16. 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 17. 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 18. 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 whether 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 vulnerable adult's legal
2 guardian, if any, and any person named as an alleged
3 perpetrator in the report of abuse, neglect, or exploitation.
4 The court must determine whether good cause exists for the
5 public release of the records sought no later than 24 hours,
6 excluding Saturdays, Sundays, and legal holidays, after the
7 date the department filed the petition with the court. If the
8 court does not grant or deny the petition within the 24-hour
9 time 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 19. 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 office, or photographic copies thereof, shall be retained by
18 the office for a period of at least 2 years following the date
19 that the registration ceases to be active.

20 Section 20. 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 21. 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 office, or photographic copies thereof, shall be retained by
13 the office for a period of at least 2 years following the date
14 that the registration ceases to be active.

15 Section 22. 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 23. 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 other reproductions from an electronic
10 recordkeeping system, shall be as admissible in evidence as
11 the originals.

12 Section 24. 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 25. 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 26. 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 27. 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 28. Paragraph (d) of subsection (6) of section
15 212.095, Florida Statutes, is repealed.

16 Section 29. Subsection (9) of section 238.03, Florida
17 Statutes, is repealed.

18 Section 30. 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 31. Subsection (2) of section 27.02, Florida
6 Statutes, as amended by section 6 of chapter 2003-402, Laws of
7 Florida, is amended to read:

8 27.02 Duties before court.--

9 (2) The state attorney shall provide to the defendant
10 all discovery materials required pursuant to the applicable
11 rule of procedure and may charge fees as provided for in s.
12 119.07(4)~~s. 119.07(1)(a)~~, not to exceed 15 cents per page for
13 a copy of a noncertified copy of a public record. However,
14 these fees may be deferred if the defendant has been
15 determined to be indigent as provided in s. 27.52.

16 Section 32. Paragraph (d) of subsection (1) of section
17 101.5607, Florida Statutes, is amended to read:

18 101.5607 Department of State to maintain voting system
19 information; prepare software.--

20 (1)

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

23 Section 33. Paragraph (b) of subsection (2) of section
24 112.533, Florida Statutes, is amended to read:

25 112.533 Receipt and processing of complaints.--

26 (2)

27 (b) This subsection does not apply to any public
28 record which is exempt from public disclosure pursuant to s.
29 119.07(6)~~s. 119.07(3)~~. For the purposes of this subsection,
30 an investigation shall be considered active as long as it is
31 continuing with a reasonable, good faith anticipation that an

1 administrative finding will be made in the foreseeable future.
2 An investigation shall be presumed to be inactive if no
3 finding is made within 45 days after the complaint is filed.

4 Section 34. Paragraph (e) of subsection (2) of section
5 1012.31, Florida Statutes, is amended to read:

6 1012.31 Personnel files.--Public school system
7 employee personnel files shall be maintained according to the
8 following provisions:

9 (2)

10 (e) Upon request, an employee, or any person
11 designated in writing by the employee, shall be permitted to
12 examine the personnel file of such employee. The employee
13 shall be permitted conveniently to reproduce any materials in
14 the file, at a cost no greater than the fees prescribed in s.
15 119.07(4)~~s. 119.07(1)~~.

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

18 257.34 Florida International Archive and Repository.--

19 (1) There is created within the Division of Library
20 and Information Services of the Department of State the
21 Florida International Archive and Repository for the
22 preservation of those public records, as defined in s.
23 119.011(11)~~s. 119.011(1)~~, manuscripts, international
24 judgments involving disputes between domestic and foreign
25 businesses, and all other public matters that the department
26 or the Florida Council of International Development deems
27 relevant to international issues. It is the duty and
28 responsibility of the division to:

29 (a) Organize and administer the Florida International
30 Archive and Repository.

31

1 (b) Preserve and administer records that are
2 transferred to its custody; accept, arrange, and preserve
3 them, according to approved archival and repository practices;
4 and permit them, at reasonable times and under the supervision
5 of the division, to be inspected, ~~examined~~, and copied. All
6 public records transferred to the custody of the division are
7 subject to the provisions of s. 119.07(1).

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

10 (d) Cooperate with and assist, insofar as practicable,
11 state institutions, departments, agencies, counties,
12 municipalities, and individuals engaged in internationally
13 related activities.

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

17 (f) Conduct, promote, and encourage research in
18 international trade, government, and culture and maintain a
19 program of information, assistance, coordination, and guidance
20 for public officials, educational institutions, libraries, the
21 scholarly community, and the general public engaged in such
22 research.

23 (g) Cooperate with and, insofar as practicable, assist
24 agencies, libraries, institutions, and individuals in projects
25 concerned with internationally related issues and preserve
26 original materials relating to internationally related issues.

27 (h) Assist and cooperate with the records and
28 information management program in the training and information
29 program described in s. 257.36(1)(g).

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

1 257.35 Florida State Archives.--

2 (1) There is created within the Division of Library
3 and Information Services of the Department of State the
4 Florida State Archives for the preservation of those public
5 records, as defined in s. 119.011(11)~~s. 119.011(1)~~,
6 manuscripts, and other archival material that have been
7 determined by the division to have sufficient historical or
8 other value to warrant their continued preservation and have
9 been accepted by the division for deposit in its custody. It
10 is the duty and responsibility of the division to:

11 (a) Organize and administer the Florida State
12 Archives.

13 (b) Preserve and administer such records as shall be
14 transferred to its custody; accept, arrange, and preserve
15 them, according to approved archival practices; and permit
16 them, at reasonable times and under the supervision of the
17 division, to be inspected, ~~examined~~, and copied. All public
18 records transferred to the custody of the division shall be
19 subject to the provisions of s. 119.07(1), except that any
20 public record or other record provided by law to be
21 confidential or prohibited from inspection by the public shall
22 be made accessible only after a period of 50 years from the
23 date of the creation of the record. Any nonpublic manuscript
24 or other archival material which is placed in the keeping of
25 the division under special terms and conditions, shall be made
26 accessible only in accordance with such law terms and
27 conditions and shall be exempt from the provisions of s.
28 119.07(1) to the extent necessary to meet the terms and
29 conditions for a nonpublic manuscript or other archival
30 material.

31

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

3 (d) Cooperate with and assist insofar as practicable
4 state institutions, departments, agencies, counties,
5 municipalities, and individuals engaged in activities in the
6 field of state archives, manuscripts, and history and accept
7 from any person any paper, book, record, or similar material
8 which in the judgment of the division warrants preservation in
9 the state archives.

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

13 (f) Conduct, promote, and encourage research in
14 Florida history, government, and culture and maintain a
15 program of information, assistance, coordination, and guidance
16 for public officials, educational institutions, libraries, the
17 scholarly community, and the general public engaged in such
18 research.

19 (g) Cooperate with and, insofar as practicable, assist
20 agencies, libraries, institutions, and individuals in projects
21 designed to preserve original source materials relating to
22 Florida history, government, and culture and prepare and
23 publish handbooks, guides, indexes, and other literature
24 directed toward encouraging the preservation and use of the
25 state's documentary resources.

26 (h) Encourage and initiate efforts to preserve,
27 collect, process, transcribe, index, and research the oral
28 history of Florida government.

29 (i) Assist and cooperate with the records and
30 information management program in the training and information
31 program described in s. 257.36(1)(g).

1 Section 37. Section 282.21, Florida Statutes, is
2 amended to read:

3 282.21 The State Technology Office's electronic access
4 services.--The State Technology Office may collect fees for
5 providing remote electronic access pursuant to s. 119.01(2)(f)
6 ~~s. 119.085~~. The fees may be imposed on individual transactions
7 or as a fixed subscription for a designated period of time.
8 All fees collected under this section shall be deposited in
9 the appropriate trust fund of the program or activity that
10 made the remote electronic access available.

11 Section 38. Paragraph (h) of subsection (2) of section
12 287.0943, Florida Statutes, is amended to read:

13 287.0943 Certification of minority business
14 enterprises.--

15 (2)

16 (h) The certification procedures should allow an
17 applicant seeking certification to designate on the
18 application form the information the applicant considers to be
19 proprietary, confidential business information. As used in
20 this paragraph, "proprietary, confidential business
21 information" includes, but is not limited to, any information
22 that would be exempt from public inspection pursuant to the
23 provisions of s. 119.07(6)~~s. 119.07(3)~~; trade secrets;
24 internal auditing controls and reports; contract costs; or
25 other information the disclosure of which would injure the
26 affected party in the marketplace or otherwise violate s.
27 286.041. The executor in receipt of the application shall
28 issue written and final notice of any information for which
29 noninspection is requested but not provided for by law.

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

1 320.05 Records of the department; inspection
2 procedure; lists and searches; fees.--

3 (1) Except as provided in ss. 119.07(6) ~~119.07(3)~~ and
4 320.025(3), the department may release records as provided in
5 this section.

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

8 322.20 Records of the department; fees; destruction of
9 records.--

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

13 Section 41. Paragraph (b) of subsection (2) of section
14 338.223, Florida Statutes, is amended to read:

15 338.223 Proposed turnpike projects.--

16 (2)

17 (b) In accordance with the legislative intent
18 expressed in s. 337.273, and after the requirements of
19 paragraph (1)(c) have been met, the department may acquire
20 lands and property before making a final determination of the
21 economic feasibility of a project. The requirements of
22 paragraph (1)(c) do not apply to hardship and protective
23 purchases of advance right-of-way by the department. The cost
24 of advance acquisition of right-of-way may be paid from bonds
25 issued under s. 337.276 or from turnpike revenues. For
26 purposes of this paragraph, the term "hardship purchase" means
27 purchase from a property owner of a residential dwelling of
28 not more than four units who is at a disadvantage due to
29 health impairment, job loss, or significant loss of rental
30 income. For purposes of this paragraph, the term "protective
31 purchase" means that a purchase to limit development,

1 building, or other intensification of land uses within the
2 area right-of-way is needed for transportation facilities. The
3 department shall give written notice to the Department of
4 Environmental Protection 30 days before final agency
5 acceptance as set forth in s. 119.07(6)(n)~~s. 119.07(3)(n)~~,
6 which notice shall allow the Department of Environmental
7 Protection to comment. Hardship and protective purchases of
8 right-of-way shall not influence the environmental feasibility
9 of a project, including the decision relative to the need to
10 construct the project or the selection of a specific location.
11 Costs to acquire and dispose of property acquired as hardship
12 and protective purchases are considered costs of doing
13 business for the department and are not to be considered in
14 the determination of environmental feasibility for the
15 project.

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

18 401.27 Personnel; standards and certification.--

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

1 administrative law judge. The department shall establish by
2 rule the procedure by which an applicant, and the applicant's
3 attorney, may review examination questions and answers in
4 accordance with s. 119.07(6)(a)~~s. 119.07(3)(a)~~.

5 Section 43. Section 409.2577, Florida Statutes, is
6 amended to read:

7 409.2577 Parent locator service.--The department shall
8 establish a parent locator service to assist in locating
9 parents who have deserted their children and other persons
10 liable for support of dependent children. The department
11 shall use all sources of information available, including the
12 Federal Parent Locator Service, and may request and shall
13 receive information from the records of any person or the
14 state or any of its political subdivisions or any officer
15 thereof. Any agency as defined in s. 120.52, any political
16 subdivision, and any other person shall, upon request, provide
17 the department any information relating to location, salary,
18 insurance, social security, income tax, and employment history
19 necessary to locate parents who owe or potentially owe a duty
20 of support pursuant to Title IV-D of the Social Security Act.
21 This provision shall expressly take precedence over any other
22 statutory nondisclosure provision which limits the ability of
23 an agency to disclose such information, except that law
24 enforcement information as provided in s. 119.07(6)(i) ~~s.~~
25 ~~119.07(3)(i)~~ is not required to be disclosed, and except that
26 confidential taxpayer information possessed by the Department
27 of Revenue shall be disclosed only to the extent authorized in
28 s. 213.053(15). Nothing in this section requires the
29 disclosure of information if such disclosure is prohibited by
30 federal law. Information gathered or used by the parent
31 locator service is confidential and exempt from the provisions

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

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

27 455.219 Fees; receipts; disposition; periodic
28 management reports.--

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

1 department. The department or the appropriate board shall
2 assess a fee for duplication of a public record as provided in
3 s. 119.07(4)~~s. 119.07(1)(a) and (b)~~.

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

6 456.025 Fees; receipts; disposition.--

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

13 Section 46. Paragraph (b) of subsection (4) of section
14 627.311, Florida Statutes, is amended to read:

15 627.311 Joint underwriters and joint reinsurers;
16 public records and public meetings exemptions.--

17 (4) The Florida Automobile Joint Underwriting
18 Association:

19 (b) Shall keep portions of association meetings during
20 which confidential and exempt underwriting files or
21 confidential and exempt claims files are discussed exempt from
22 the provisions of s. 286.011 and s. 24(b), Art. I of the State
23 Constitution. All closed portions of association meetings
24 shall be recorded by a court reporter. The court reporter
25 shall record the times of commencement and termination of the
26 meeting, all discussion and proceedings, the names of all
27 persons present at any time, and the names of all persons
28 speaking. No portion of any closed meeting shall be off the
29 record. Subject to the provisions of this paragraph and s.
30 119.07(1)(b)-(d)~~s. 119.07(2)(a)~~, the court reporter's notes
31 of any closed meeting shall be retained by the association for

1 a minimum of 5 years. A copy of the transcript, less any
2 confidential and exempt information, of any closed meeting
3 during which confidential and exempt claims files are
4 discussed shall become public as to individual claims files
5 after settlement of that claim.

6 Section 47. Paragraph (n) of subsection (6) of section
7 627.351, Florida Statutes, is amended to read:

8 627.351 Insurance risk apportionment plans.--

9 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

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

13 a. Underwriting files, except that a policyholder or
14 an applicant shall have access to his or her own underwriting
15 files.

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

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

1 d. Matters reasonably encompassed in privileged
2 attorney-client communications.

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

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

10 Information which is exempt shall include, but is not limited
11 to, information relating to workers' compensation, insurance
12 benefits, and retirement or disability benefits.

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

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

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

29
30 When an authorized insurer is considering underwriting a risk
31 insured by the corporation, relevant underwriting files and

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

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

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

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

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

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

17 Section 49. Paragraph (m) of subsection (2) of section
18 668.50, Florida Statutes, is amended to read:

19 668.50 Uniform Electronic Transaction Act.--

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

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

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

27 794.024 Unlawful to disclose identifying
28 information.--

29 (1) A public employee or officer who has access to the
30 photograph, name, or address of a person who is alleged to be
31 the victim of an offense described in this chapter, chapter

1 800, s. 827.03, s. 827.04, or s. 827.071 may not willfully and
2 knowingly disclose it to a person who is not assisting in the
3 investigation or prosecution of the alleged offense or to any
4 person other than the defendant, the defendant's attorney, a
5 person specified in an order entered by the court having
6 jurisdiction of the alleged offense, or organizations
7 authorized to receive such information made exempt by s.
8 119.07(6)(f)~~s. 119.07(3)(f)~~, or to a rape crisis center or
9 sexual assault counselor, as defined in s. 90.5035(1)(b), who
10 will be offering services to the victim.

11 Section 51. Paragraph (c) of subsection (3) of section
12 921.0022, Florida Statutes, is amended to read:

13 921.0022 Criminal Punishment Code; offense severity
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

17 Florida Statute	Felony Degree	Description
		(c) LEVEL 3
22 119.10(2)(b)(3)	3rd	Unlawful use of confidential information from police reports.
24 316.066(3) (d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
26 316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
27 316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.

31

1	319.30(4)	3rd	Possession by junkyard of motor
2			vehicle with identification
3			number plate removed.
4	319.33(1)(a)	3rd	Alter or forge any certificate of
5			title to a motor vehicle or
6			mobile home.
7	319.33(1)(c)	3rd	Procure or pass title on stolen
8			vehicle.
9	319.33(4)	3rd	With intent to defraud, possess,
10			sell, etc., a blank, forged, or
11			unlawfully obtained title or
12			registration.
13	327.35(2)(b)	3rd	Felony BUI.
14	328.05(2)	3rd	Possess, sell, or counterfeit
15			fictitious, stolen, or fraudulent
16			titles or bills of sale of
17			vessels.
18	328.07(4)	3rd	Manufacture, exchange, or possess
19			vessel with counterfeit or wrong
20			ID number.
21	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
22			destroying, causing to be
23			destroyed, transferring, selling,
24			offering to sell, molesting, or
25			harassing marine turtles, marine
26			turtle eggs, or marine turtle
27			nests in violation of the Marine
28			Turtle Protection Act.
29			
30			
31			

1	370.12(1)(e)6.	3rd	Soliciting to commit or
2			conspiring to commit a violation
3			of the Marine Turtle Protection
4			Act.
5	376.302(5)	3rd	Fraud related to reimbursement
6			for cleanup expenses under the
7			Inland Protection Trust Fund.
8	400.903(3)	3rd	Operating a clinic without a
9			license or filing false license
10			application or other required
11			information.
12	440.105(3)(b)	3rd	Receipt of fee or consideration
13			without approval by judge of
14			compensation claims.
15	440.1051(3)	3rd	False report of workers'
16			compensation fraud or retaliation
17			for making such a report.
18	501.001(2)(b)	2nd	Tampers with a consumer product
19			or the container using materially
20			false/misleading information.
21	624.401(4)(a)	3rd	Transacting insurance without a
22			certificate of authority.
23	624.401(4)(b)1.	3rd	Transacting insurance without a
24			certificate of authority; premium
25			collected less than \$20,000.
26	626.902(1) (a) & (b)	3rd	Representing an unauthorized
27			insurer.
28	697.08	3rd	Equity skimming.
29	790.15(3)	3rd	Person directs another to
30			discharge firearm from a vehicle.
31	796.05(1)	3rd	Live on earnings of a prostitute.

1	806.10(1)	3rd	Maliciously injure, destroy, or
2			interfere with vehicles or
3			equipment used in firefighting.
4	806.10(2)	3rd	Interferes with or assaults
5			firefighter in performance of
6			duty.
7	810.09(2)(c)	3rd	Trespass on property other than
8			structure or conveyance armed
9			with firearm or dangerous weapon.
10	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
11			less than \$10,000.
12	812.0145(2)(c)	3rd	Theft from person 65 years of age
13			or older; \$300 or more but less
14			than \$10,000.
15	815.04(4)(b)	2nd	Computer offense devised to
16			defraud or obtain property.
17	817.034(4)(a)3.	3rd	Engages in scheme to defraud
18			(Florida Communications Fraud
19			Act), property valued at less
20			than \$20,000.
21	817.233	3rd	Burning to defraud insurer.
22	817.234(8) (b)-(c)	3rd	Unlawful solicitation of persons
23			involved in motor vehicle
24			accidents.
25	817.234(11)(a)	3rd	Insurance fraud; property value
26			less than \$20,000.
27	817.236	3rd	Filing a false motor vehicle
28			insurance application.
29	817.2361	3rd	Creating, marketing, or
30			presenting a false or fraudulent
31			motor vehicle insurance card.

1	817.413(2)	3rd	Sale of used goods as new.
2	817.505(4)	3rd	Patient brokering.
3	828.12(2)	3rd	Tortures any animal with intent
4			to inflict intense pain, serious
5			physical injury, or death.
6	831.28(2)(a)	3rd	Counterfeiting a payment
7			instrument with intent to defraud
8			or possessing a counterfeit
9			payment instrument.
10	831.29	2nd	Possession of instruments for
11			counterfeiting drivers' licenses
12			or identification cards.
13	838.021(3)(b)	3rd	Threatens unlawful harm to public
14			servant.
15	843.19	3rd	Injure, disable, or kill police
16			dog or horse.
17	860.15(3)	3rd	Overcharging for repairs and
18			parts.
19	870.01(2)	3rd	Riot; inciting or encouraging.
20	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
21			cannabis (or other s.
22			893.03(1)(c), (2)(c)1., (2)(c)2.,
23			(2)(c)3., (2)(c)5., (2)(c)6.,
24			(2)(c)7., (2)(c)8., (2)(c)9.,
25			(3), or (4) drugs).
26	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
27			893.03(1)(c), (2)(c)1., (2)(c)2.,
28			(2)(c)3., (2)(c)5., (2)(c)6.,
29			(2)(c)7., (2)(c)8., (2)(c)9.,
30			(3), or (4) drugs within 1,000
31			feet of university.

1	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c)1., (2)(c)2.,
3			(2)(c)3., (2)(c)5., (2)(c)6.,
4			(2)(c)7., (2)(c)8., (2)(c)9.,
5			(3), or (4) drugs within 1,000
6			feet of public housing facility.
7	893.13(6)(a)	3rd	Possession of any controlled
8			substance other than felony
9			possession of cannabis.
10	893.13(7)(a)8.	3rd	Withhold information from
11			practitioner regarding previous
12			receipt of or prescription for a
13			controlled substance.
14	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
15			controlled substance by fraud,
16			forgery, misrepresentation, etc.
17	893.13(7)(a)10.	3rd	Affix false or forged label to
18			package of controlled substance.
19	893.13(7)(a)11.	3rd	Furnish false or fraudulent
20			material information on any
21			document or record required by
22			chapter 893.
23	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
24			person, or owner of an animal in
25			obtaining a controlled substance
26			through deceptive, untrue, or
27			fraudulent representations in or
28			related to the practitioner's
29			practice.
30			
31			

1	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
2			practitioner's practice to assist
3			a patient, other person, or owner
4			of an animal in obtaining a
5			controlled substance.
6	893.13(8)(a)3.	3rd	Knowingly write a prescription
7			for a controlled substance for a
8			fictitious person.
9	893.13(8)(a)4.	3rd	Write a prescription for a
10			controlled substance for a
11			patient, other person, or an
12			animal if the sole purpose of
13			writing the prescription is a
14			monetary benefit for the
15			practitioner.
16	918.13(1)(a)	3rd	Alter, destroy, or conceal
17			investigation evidence.
18	944.47 (1)(a)1.-2.	3rd	Introduce contraband to
19			correctional facility.
20	944.47(1)(c)	2nd	Possess contraband while upon the
21			grounds of a correctional
22			institution.
23	985.3141	3rd	Escapes from a juvenile facility
24			(secure detention or residential
25			commitment facility).

26 Section 52. For the purpose of incorporating the
27 amendments to section 945.25, Florida Statutes, in a reference
28 thereto, paragraph (a) of subsection (2) of section 947.13,
29 Florida Statutes, is reenacted to read:

30 947.13 Powers and duties of commission.--

31

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

5 Section 53. Section 430.015, Florida Statutes, is
6 repealed.

7 Section 54. Section 440.132, Florida Statutes, is
8 amended to read:

9 440.132 Investigatory records relating to workers'
10 compensation managed care arrangements; confidentiality.--

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

27 ~~(2) The Legislature finds that it is a public~~
28 ~~necessity that these investigatory and examination records be~~
29 ~~held confidential and exempt during an investigation in order~~
30 ~~not to compromise the investigation and disseminate~~
31 ~~potentially inaccurate information. To the extent this~~

1 ~~information is made available to the public, those persons~~
2 ~~being investigated will have access to such information which~~
3 ~~would potentially defeat the purpose of the investigation.~~
4 ~~This would impede the effective and efficient operation of~~
5 ~~investigatory governmental functions.~~

6 Section 55. Sections 723.0065 and 768.301, Florida
7 Statutes, are repealed.

8 Section 56. Paragraph (a) of subsection (7) of section
9 943.031, Florida Statutes, is amended to read:

10 943.031 Florida Violent Crime and Drug Control
11 Council.--The Legislature finds that there is a need to
12 develop and implement a statewide strategy to address violent
13 criminal activity and drug control efforts by state and local
14 law enforcement agencies, including investigations of illicit
15 money laundering. In recognition of this need, the Florida
16 Violent Crime and Drug Control Council is created within the
17 department. The council shall serve in an advisory capacity to
18 the department.

19 (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL
20 MEETINGS AND RECORDS.--

21 (a)~~1~~. The Legislature finds that during limited
22 portions of the meetings of the Florida Violent Crime and Drug
23 Control Council it is necessary that the council be presented
24 with and discuss details, information, and documents related
25 to active criminal investigations or matters constituting
26 active criminal intelligence, as those concepts are defined by
27 s. 119.011. These presentations and discussions are necessary
28 for the council to make its funding decisions as required by
29 the Legislature. The Legislature finds that to reveal the
30 contents of documents containing active criminal investigative
31 or intelligence information or to allow active criminal

1 | investigative or active criminal intelligence matters to be
2 | discussed in a meeting open to the public negatively impacts
3 | the ability of law enforcement agencies to efficiently
4 | continue their investigative or intelligence gathering
5 | activities. The Legislature finds that information coming
6 | before the council that pertains to active criminal
7 | investigations or intelligence should remain confidential and
8 | exempt from public disclosure. The Legislature finds that the
9 | Florida Violent Crime and Drug Control Council may, by
10 | declaring only those portions of council meetings in which
11 | active criminal investigative or active criminal intelligence
12 | information is to be presented or discussed closed to the
13 | public, assure an appropriate balance between the policy of
14 | this state that meetings be public and the policy of this
15 | state to facilitate efficient law enforcement efforts.

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

29 | Section 57. This act shall take effect October 1,
30 | 2004.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1678

Makes technical and cross-reference changes.