

By Senator Argenziano

3-189B-05

1 A bill to be entitled
2 An act relating to public records and public
3 meetings; amending s. 119.07, F.S.;
4 transferring general exemptions from
5 requirements relating to inspection and copying
6 of records not otherwise transferred by this
7 act to s. 119.071, F.S.; conforming
8 cross-references; amending s. 119.071, F.S.;
9 reorganizing and classifying exemptions under
10 the headings of "agency processes," "agency
11 personnel identifying information," "other
12 personal identifying information," and
13 "security"; transferring and amending s.
14 119.0721, F.S., relating to an exemption
15 provided for social security numbers; creating
16 s. 119.07101, F.S., and transferring to that
17 section provisions of s. 119.07, F.S., relating
18 to exemptions for records of the Department of
19 Highway Safety and Motor Vehicles; creating s.
20 119.07102, F.S., and transferring to that
21 section provisions of s. 119.07, F.S., relating
22 to exemptions for records of the Department of
23 Health; creating s. 119.0711, F.S., and
24 transferring to that section provisions of s.
25 119.07, F.S., relating to exemptions for
26 executive branch agencies; creating s.
27 119.0712, F.S., and transferring to that
28 section provisions of s. 119.07, F.S., relating
29 to exemptions for local government agencies;
30 amending s. 119.15, F.S.; revising standards
31 and guidelines for review and repeal of

1 exemptions pursuant to the Open Government
2 Sunset Review Act; creating s. 112.31891, F.S.,
3 and transferring to that section provisions of
4 s. 119.07, F.S., relating to investigatory
5 records; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. Paragraph (e) of subsection (1) and
10 subsections (7) and (8) of section 119.07, Florida Statutes,
11 are amended to read:

12 119.07 Inspection and copying of records;
13 photographing public records; fees; exemptions.--

14 (1)

15 (e) In any civil action in which an exemption to this
16 section is asserted, if the exemption is alleged to exist
17 under or by virtue of paragraph(1)(g)(6)(e), paragraph
18 (1)(h)(6)(d), paragraph(1)(i)(6)(e), paragraph (1)(m)
19 (6)(k), paragraph(1)(n)(6)(l), or paragraph(1)(c) of s.
20 119.071(6)(o), the public record or part thereof in question
21 shall be submitted to the court for an inspection in camera.
22 If an exemption is alleged to exist under or by virtue of
23 paragraph 119.071(1)(f)(6)(b), an inspection in camera is
24 discretionary with the court. If the court finds that the
25 asserted exemption is not applicable, it shall order the
26 public record or part thereof in question to be immediately
27 produced for inspection or copying as requested by the person
28 seeking such access.

29 (7) Nothing in this chapter may ~~section shall~~ be
30 construed to exempt from subsection (1) a public record that
31 ~~which~~ was made a part of a court file and that ~~which~~ is not

1 specifically closed by order of court, except as provided in
2 s. 119.071(1)(c), (g), (h), (i), (m), (n) ~~paragraphs (c), (d),~~
3 ~~(e), (k), (l), and (o) of subsection (6)~~ and except
4 information or records that ~~which~~ may reveal the identity of a
5 person who is a victim of a sexual offense as provided in s.
6 119.071(1)(j) ~~paragraph (f) of subsection (6)~~.

7 (8) An exemption contained in this chapter ~~Nothing in~~
8 ~~subsection (6) or in~~ any other general or special law may not
9 ~~shall~~ limit the access of the Auditor General, the Office of
10 Program Policy Analysis and Government Accountability, or any
11 state, county, municipal, university, board of community
12 college, school district, or special district internal auditor
13 to public records when such person states in writing that such
14 records are needed for a properly authorized audit,
15 examination, or investigation. Such person shall maintain the
16 exempt or confidential status of a public record that is
17 exempt or confidential from the provisions of subsection (1)
18 and shall be subject to the same penalties as the custodian of
19 that record for public disclosure of such record.

20 Section 2. Paragraph (a) of subsection (6) of section
21 119.07, Florida Statutes, is transferred, redesignated as
22 paragraph (a) of subsection (1) of section 119.071, Florida
23 Statutes, and amended to read:

24 119.071 General exemptions from inspection or copying
25 of public records.--

26 (1) AGENCY PROCESSES.--

27 (a) Examination questions and answer sheets of
28 examinations administered by a governmental agency for the
29 purpose of licensure, certification, or employment are exempt
30 from s. 119.07(1) ~~the provisions of subsection (1)~~ and s.
31 24(a), Art. I of the State Constitution. A person who has

1 taken such an examination ~~has~~ shall have the right to review
2 his or her own completed examination.

3 Section 3. Paragraph (dd) of subsection (6) of section
4 119.07, Florida Statutes, is transferred, redesignated as
5 paragraph (b) of subsection (1) of section 119.071, Florida
6 Statutes, and amended to read:

7 119.071 General exemptions from inspection or copying
8 of public records.--

9 (1) AGENCY PROCESSES.--

10 ~~(b)(dd)~~ Bank account numbers and debit, charge, and
11 credit card numbers held by an agency are exempt from s.
12 ~~119.07(1) subsection (1)~~ and s. 24(a), Art. I of the State
13 Constitution. This exemption applies to bank account numbers
14 and debit, charge, and credit card numbers held by an agency
15 before, on, or after the effective date of this exemption.
16 This paragraph is subject to the Open Government Sunset Review
17 Act ~~of 1995~~ in accordance with s. 119.157 and shall stand
18 repealed on October 2, 2007, unless reviewed and saved from
19 repeal through reenactment by the Legislature.

20 Section 4. Paragraph (o) of subsection (6) of section
21 119.07, Florida Statutes, is transferred, redesignated as
22 paragraph (c) of subsection (1) of section 119.071, Florida
23 Statutes, and amended to read:

24 119.071 General exemptions from inspection or copying
25 of public records.--

26 (1) AGENCY PROCESSES.--

27 ~~(c)(o)~~ Data processing software obtained by an agency
28 under a licensing agreement ~~that~~ which prohibits its
29 disclosure and which software is a trade secret, as defined in
30 s. 812.081, and agency-produced data processing software that
31 ~~which~~ is sensitive are exempt from s. 119.07(1) the provisions

1 ~~of subsection (1)~~ and s. 24(a), Art. I of the State
2 Constitution. The designation of agency-produced software as
3 sensitive does ~~shall~~ not prohibit an agency head from sharing
4 or exchanging such software with another public agency.

5 Section 5. Paragraph (m) of subsection (6) of section
6 119.07, Florida Statutes, is transferred, redesignated as
7 paragraph (d) of subsection (1) of section 119.071, Florida
8 Statutes, and amended to read:

9 119.071 General exemptions from inspection or copying
10 of public records.--

11 (1) AGENCY PROCESSES.--

12 ~~(d)(m)~~ Sealed bids or proposals received by an agency
13 pursuant to invitations to bid or requests for proposals are
14 exempt from s. 119.071(1) ~~the provisions of subsection (1)~~ and
15 s. 24(a), Art. I of the State Constitution until such time as
16 the agency provides notice of a decision or intended decision
17 pursuant to s. 120.57(3)(a) or within 10 days after bid or
18 proposal opening, whichever is earlier.

19 Section 6. Paragraph (t) of subsection (6) of section
20 119.07, Florida Statutes, is transferred, redesignated as
21 paragraph (e) of subsection (1) of section 119.071, Florida
22 Statutes, and amended to read:

23 119.071 General exemptions from inspection or copying
24 of public records.--

25 (1) AGENCY PROCESSES.--

26 ~~(e)(t)~~ Any financial statement that ~~which~~ an agency
27 requires a prospective bidder to submit in order to prequalify
28 for bidding or for responding to a proposal for a road or any
29 other public works project is exempt from s. 119.07(1) ~~the~~
30 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
31 Constitution.

1 Section 7. Paragraphs (b) through (h) of subsection
2 (6) of section 119.07, Florida Statutes, are transferred,
3 redesignated as paragraphs (f) through (l), respectively, of
4 subsection (1) of section 119.071, Florida Statutes, and
5 amended to read:

6 119.071 General exemptions from inspection or copying
7 of public records.--

8 (1) AGENCY PROCESSES.--

9 ~~(f)(b)~~1. Active criminal intelligence information and
10 active criminal investigative information are exempt from s.
11 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
12 I of the State Constitution.

13 2. A request of a law enforcement agency to inspect or
14 copy a public record that is in the custody of another agency,
15 the custodian's response to the request, and any information
16 that would identify the public record that was requested by
17 the law enforcement agency or provided by the custodian are
18 exempt from s. 119.07(1) ~~the requirements of subsection (1)~~
19 and s. 24(a), Art. I of the State Constitution, during the
20 period in which the information constitutes criminal
21 intelligence information or criminal investigative information
22 that is active. This exemption is remedial in nature, and it
23 is the intent of the Legislature that the exemption be applied
24 to requests for information received before, on, or after the
25 effective date of this subparagraph. The law enforcement
26 agency shall give notice to the custodial agency when the
27 criminal intelligence information or criminal investigative
28 information is no longer active, so that the custodian's
29 response to the request and information that would identify
30 the public record requested are available to the public. This
31 subparagraph is subject to the Open Government Sunset Review

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

4 ~~(g)(e)~~ Any information revealing the identity of a
5 confidential informant or a confidential source is exempt from
6 s. 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a),
7 Art. I of the State Constitution.

8 ~~(h)(d)~~ Any information revealing surveillance
9 techniques or procedures or personnel is exempt from s.
10 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
11 I of the State Constitution. Any comprehensive inventory of
12 state and local law enforcement resources compiled pursuant to
13 part I, chapter 23, and any comprehensive policies or plans
14 compiled by a criminal justice agency pertaining to the
15 mobilization, deployment, or tactical operations involved in
16 responding to emergencies, as defined in s. 252.34(3), are
17 exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ and
18 s. 24(a), Art. I of the State Constitution and unavailable for
19 inspection, except by personnel authorized by a state or local
20 law enforcement agency, the office of the Governor, the
21 Department of Legal Affairs, the Department of Law
22 Enforcement, or the Department of Community Affairs as having
23 an official need for access to the inventory or comprehensive
24 policies or plans.

25 ~~(i)(e)~~ Any information revealing undercover personnel
26 of any criminal justice agency is exempt from s. 119.07(1) ~~the~~
27 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
28 Constitution.

29 ~~(j)(f)~~1. Any criminal intelligence information or
30 criminal investigative information including the photograph,
31 name, address, or other fact or information which reveals the

1 identity of the victim of the crime of sexual battery as
2 defined in chapter 794; the identity of the victim of a lewd
3 or lascivious offense committed upon or in the presence of a
4 person less than 16 years of age, as defined in chapter 800;
5 or the identity of the victim of the crime of child abuse as
6 defined by chapter 827 and any criminal intelligence
7 information or criminal investigative information or other
8 criminal record, including those portions of court records and
9 court proceedings, which may reveal the identity of a person
10 who is a victim of any sexual offense, including a sexual
11 offense proscribed in chapter 794, chapter 800, or chapter
12 827, is exempt from s. 119.07(1) ~~the provisions of subsection~~
13 ~~(1)~~ and s. 24(a), Art. I of the State Constitution.

14 2. In addition to subparagraph 1., any criminal
15 intelligence information or criminal investigative information
16 that ~~which~~ is a photograph, videotape, or image of any part of
17 the body of the victim of a sexual offense prohibited under
18 chapter 794, chapter 800, or chapter 827, regardless of
19 whether the photograph, videotape, or image identifies the
20 victim, is confidential and exempt from s. 119.07(1)
21 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
22 This exemption applies to photographs, videotapes, or images
23 held as criminal intelligence information or criminal
24 investigative information before, on, or after the effective
25 date of the exemption.

26 ~~(k)(g)~~ Any criminal intelligence information or
27 criminal investigative information that ~~which~~ reveals the
28 personal assets of the victim of a crime, other than property
29 stolen or destroyed during the commission of the crime, is
30 exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ and
31 s. 24(a), Art. I of the State Constitution.

1 ~~(l)(h)~~ All criminal intelligence and criminal
2 investigative information received by a criminal justice
3 agency prior to January 25, 1979, is exempt from s. 119.07(1)
4 ~~the provisions of subsection (l)~~ and s. 24(a), Art. I of the
5 State Constitution.

6 Section 8. Paragraphs (k) and (l) of subsection (6) of
7 section 119.07, Florida Statutes, are transferred,
8 redesignated as paragraphs (m) and (n), respectively, of
9 subsection (1) of section 119.071, Florida Statutes, and
10 amended to read:

11 119.071 General exemptions from inspection or copying
12 of public records.--

13 (1) AGENCY PROCESSES.--

14 ~~(m)(k)~~ Any information revealing the substance of a
15 confession of a person arrested is exempt from s. 119.07(1)
16 ~~the provisions of subsection (l)~~ and s. 24(a), Art. I of the
17 State Constitution, until such time as the criminal case is
18 finally determined by adjudication, dismissal, or other final
19 disposition.

20 (n)(l)1. A public record that ~~which~~ was prepared by an
21 agency attorney (including an attorney employed or retained by
22 the agency or employed or retained by another public officer
23 or 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, that ~~which~~ reflects a mental impression,
26 conclusion, litigation strategy, or legal theory of the
27 attorney or the agency, and that ~~which~~ was prepared
28 exclusively for civil or criminal litigation or for
29 adversarial administrative proceedings, or that ~~which~~ was
30 prepared in anticipation of imminent civil or criminal
31 litigation or imminent adversarial administrative proceedings,

1 is exempt from s. 119.07(1) ~~the provisions of subsection (1)~~
2 and s. 24(a), Art. I of the State Constitution until the
3 conclusion of the litigation or adversarial administrative
4 proceedings. For purposes of capital collateral litigation as
5 set forth in s. 27.7001, the Attorney General's office is
6 entitled to claim this exemption for those public records
7 prepared for direct appeal as well as for all capital
8 collateral litigation after direct appeal until execution of
9 sentence or imposition of a life sentence.

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

22 Section 9. Paragraph (ii) of subsection (6) of section
23 119.07, Florida Statutes, is transferred and redesignated as
24 paragraph (o) of subsection (1) of section 119.071, Florida
25 Statutes.

26 Section 10. Paragraph (x) of subsection (6) of section
27 119.07, Florida Statutes, is transferred, redesignated as
28 paragraph (a) of subsection (2) of section 119.071, Florida
29 Statutes, and amended to read:

30 119.071 General exemptions from inspection or copying
31 of public records.--

1 (2) AGENCY PERSONNEL IDENTIFYING INFORMATION.--

2 ~~(a)(*)~~1. The social security numbers of all current
3 and former agency employees which numbers are contained in
4 agency employment records are exempt s. 119.07(1) ~~from~~
5 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
6 As used in this paragraph, the term "agency" means an agency
7 as defined in s. 119.011.

8 2. An agency that is the custodian of a social
9 security number specified in subparagraph 1. and that is not
10 the employing agency shall maintain the exempt status of the
11 social security number only if the employee or the employing
12 agency of the employee submits a written request for
13 confidentiality to the custodial agency. However, upon a
14 request by a commercial entity as provided in paragraph (3)(a)
15 ~~s. 119.0721~~, the custodial agency shall release the last four
16 digits of the exempt social security number, except that a
17 social security number provided in a lien filed with the
18 Department of State shall be released in its entirety. This
19 subparagraph is subject to the Open Government Sunset Review
20 Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
21 repealed on October 2, 2009, unless reviewed and saved from
22 repeal through reenactment by the Legislature.

23 Section 11. Paragraph (v) of subsection (6) of section
24 119.07, Florida Statutes, is transferred, redesignated as
25 paragraph (b) of subsection (2) of section 119.071, Florida
26 Statutes, and amended to read:

27 119.071 General exemptions from inspection or copying
28 of public records.--

29 (2) AGENCY PERSONNEL IDENTIFYING INFORMATION.--

30 ~~(b)(v)~~ Medical information pertaining to a
31 prospective, current, or former officer or employee of an

1 agency which, if disclosed, would identify that officer or
2 employee is exempt from s. 119.07(1) ~~the provisions of~~
3 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
4 However, such information may be disclosed if the person to
5 whom the information pertains or the person's legal
6 representative provides written permission or pursuant to
7 court order.

8 Section 12. Paragraph (i) of subsection (6) of section
9 119.07, Florida Statutes, is transferred, redesignated as
10 paragraph (c) of subsection (2) of section 119.071, Florida
11 Statutes, and amended to read:

12 119.071 General exemptions from inspection or copying
13 of public records.--

14 (2) AGENCY PERSONNEL IDENTIFYING INFORMATION.--

15 (c)(i)1. The home addresses, telephone numbers, social
16 security numbers, and photographs of active or former law
17 enforcement personnel, including correctional and correctional
18 probation officers, personnel of the Department of Children
19 and Family Services whose duties include the investigation of
20 abuse, neglect, exploitation, fraud, theft, or other criminal
21 activities, personnel of the Department of Health whose duties
22 are to support the investigation of child abuse or neglect,
23 and personnel of the Department of Revenue or local
24 governments whose responsibilities include revenue collection
25 and enforcement or child support enforcement; the home
26 addresses, telephone numbers, social security numbers,
27 photographs, and places of employment of the spouses and
28 children of such personnel; and the names and locations of
29 schools and day care facilities attended by the children of
30 such personnel are exempt from s. 119.07(1) ~~the provisions of~~
31 ~~subsection (1)~~. The home addresses, telephone numbers, and

1 | photographs of firefighters certified in compliance with s.
2 | 633.35; the home addresses, telephone numbers, photographs,
3 | and places of employment of the spouses and children of such
4 | firefighters; and the names and locations of schools and day
5 | care facilities attended by the children of such firefighters
6 | are exempt from s. 119.07(1) ~~subsection (1)~~. The home
7 | addresses and telephone numbers of justices of the Supreme
8 | Court, district court of appeal judges, circuit court judges,
9 | and county court judges; the home addresses, telephone
10 | numbers, and places of employment of the spouses and children
11 | of justices and judges; and the names and locations of schools
12 | and day care facilities attended by the children of justices
13 | and judges are exempt from s. 119.07(1) ~~the provisions of~~
14 | ~~subsection (1)~~. The home addresses, telephone numbers, social
15 | security numbers, and photographs of current or former state
16 | attorneys, assistant state attorneys, statewide prosecutors,
17 | or assistant statewide prosecutors; the home addresses,
18 | telephone numbers, social security numbers, photographs, and
19 | places of employment of the spouses and children of current or
20 | former state attorneys, assistant state attorneys, statewide
21 | prosecutors, or assistant statewide prosecutors; and the names
22 | and locations of schools and day care facilities attended by
23 | the children of current or former state attorneys, assistant
24 | state attorneys, statewide prosecutors, or assistant statewide
25 | prosecutors are exempt from s. 119.07(1) ~~subsection (1)~~ and s.
26 | 24(a), Art. I of the State Constitution.

27 | 2. The home addresses, telephone numbers, social
28 | security numbers, and photographs of current or former human
29 | resource, labor relations, or employee relations directors,
30 | assistant directors, managers, or assistant managers of any
31 | local government agency or water management district whose

1 duties include hiring and firing employees, labor contract
2 negotiation, administration, or other personnel-related
3 duties; the names, home addresses, telephone numbers, social
4 security numbers, photographs, and places of employment of the
5 spouses and children of such personnel; and the names and
6 locations of schools and day care facilities attended by the
7 children of such personnel are exempt from s. 119.07(1)
8 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
9 This subparagraph is subject to the Open Government Sunset
10 Review Act ~~of 1995~~ in accordance with s. 119.15~~7~~ and shall
11 stand repealed on October 2, 2006, unless reviewed and saved
12 from repeal through reenactment by the Legislature.

13 3. The home addresses, telephone numbers, social
14 security numbers, and photographs of current or former United
15 States attorneys and assistant United States attorneys; the
16 home addresses, telephone numbers, social security numbers,
17 photographs, and places of employment of the spouses and
18 children of current or former United States attorneys and
19 assistant United States attorneys; and the names and locations
20 of schools and day care facilities attended by the children of
21 current or former United States attorneys and assistant United
22 States attorneys are exempt from s. 119.07(1) ~~subsection (1)~~
23 and s. 24(a), Art. I of the State Constitution. This
24 subparagraph is subject to the Open Government Sunset Review
25 Act ~~of 1995~~ in accordance with s. 119.15 and shall stand
26 repealed on October 2, 2009, unless reviewed and saved from
27 repeal through reenactment by the Legislature.

28 4. The home addresses, telephone numbers, social
29 security numbers, and photographs of current or former judges
30 of United States Courts of Appeal, United States district
31 judges, and United States magistrate judges; the home

1 addresses, telephone numbers, social security numbers,
2 photographs, and places of employment of the spouses and
3 children of current or former judges of United States Courts
4 of Appeal, United States district judges, and United States
5 magistrate judges; and the names and locations of schools and
6 day care facilities attended by the children of current or
7 former judges of United States Courts of Appeal, United States
8 district judges, and United States magistrate judges are
9 exempt from s. 119.07(1) ~~subsection (1)~~ and s. 24(a), Art. I
10 of the State Constitution. This subparagraph is subject to the
11 Open Government Sunset Review Act ~~of 1995~~ in accordance with
12 s. 119.15~~7~~ and shall stand repealed on October 2, 2009, unless
13 reviewed and saved from repeal through reenactment by the
14 Legislature.

15 5. The home addresses, telephone numbers, social
16 security numbers, and photographs of current or former code
17 enforcement officers; the names, home addresses, telephone
18 numbers, social security numbers, photographs, and places of
19 employment of the spouses and children of such persons; and
20 the names and locations of schools and day care facilities
21 attended by the children of such persons are exempt from s.
22 119.07(1) ~~subsection (1)~~ and s. 24(a), Art. I of the State
23 Constitution. This subparagraph is subject to the Open
24 Government Sunset Review Act ~~of 1995~~ in accordance with s.
25 119.15~~7~~ and shall stand repealed on October 2, 2006, unless
26 reviewed and saved from repeal through reenactment by the
27 Legislature.

28 6. An agency that is the custodian of the personal
29 information specified in subparagraph 1., subparagraph 2.,
30 subparagraph 3., subparagraph 4., or subparagraph 5.~~7~~ and that
31 is not the employer of the officer, employee, justice, judge,

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

8 | Section 13. Subsections (1) through (11) of section
9 | 119.0721, Florida Statutes, are transferred, redesignated as
10 | paragraph (a) of subsection (3) of section 119.071, Florida
11 | Statutes, and amended to read:

12 | 119.071 General exemptions from inspection or copying
13 | of public records.--

14 | (3) OTHER PERSONAL IDENTIFYING INFORMATION.--

15 | ~~(a)(1)~~ Effective October 1, 2002, all social security
16 | numbers held by an agency or its agents, employees, or
17 | contractors are confidential and exempt from s. 119.07(1) and
18 | s. 24(a), Art. I of the State Constitution. This exemption
19 | applies to all social security numbers held by an agency and
20 | its agents, employees, or contractors before, on, or after the
21 | effective date of this exemption.

22 | ~~1.(2)~~ Social security numbers may be disclosed to
23 | another governmental entity or its agents, employees, or
24 | contractors if disclosure is necessary for the receiving
25 | entity to perform its duties and responsibilities. The
26 | receiving governmental entity and its agents, employees, and
27 | contractors shall maintain the confidential and exempt status
28 | of such numbers.

29 | ~~2.(3)~~ An agency shall not deny a commercial entity
30 | engaged in the performance of a commercial activity as defined
31 | in s. 14.203 or its agents, employees, or contractors access

1 | to social security numbers, provided the social security
2 | numbers will be used only in the normal course of business for
3 | legitimate business purposes, and provided the commercial
4 | entity makes a written request for social security numbers,
5 | verified as provided in s. 92.525, legibly signed by an
6 | authorized officer, employee, or agent of the commercial
7 | entity. The verified written request must contain the
8 | commercial entity's name, business mailing and location
9 | addresses, business telephone number, and a statement of the
10 | specific purposes for which it needs the social security
11 | numbers and how the social security numbers will be used in
12 | the normal course of business for legitimate business
13 | purposes. The aggregate of these requests shall serve as the
14 | basis for the agency report required in subparagraph 6.
15 | ~~subsection (7).~~ An agency may request any other information
16 | ~~as may be~~ reasonably necessary to verify the identity of the
17 | entity requesting the social security numbers and the specific
18 | purposes for which such numbers will be used; however, an
19 | agency has no duty to inquire beyond the information contained
20 | in the verified written request. A legitimate business
21 | purpose includes verification of the accuracy of personal
22 | information received by a commercial entity in the normal
23 | course of its business; use in a civil, criminal, or
24 | administrative proceeding; use for insurance purposes; use in
25 | law enforcement and investigation of crimes; use in
26 | identifying and preventing fraud; use in matching, verifying,
27 | or retrieving information; and use in research activities. A
28 | legitimate business purpose does not include the display or
29 | bulk sale of social security numbers to the general public or
30 | the distribution of such numbers to any customer that is not
31 | identifiable by the distributor.

1 ~~3.~~(4) Any person who makes a false representation in
2 order to obtain a social security number pursuant to this
3 paragraph section, or any person who willfully and knowingly
4 violates ~~the provisions of this paragraph section~~, commits a
5 felony of the third degree, punishable as provided in s.
6 775.082 or s. 775.083. Any public officer who violates ~~any~~
7 provision of this paragraph section is guilty of a noncriminal
8 infraction, punishable by a fine not exceeding \$500. A
9 commercial entity that provides access to public records
10 containing social security numbers in accordance with this
11 paragraph section is not subject to the penalty provisions of
12 this subparagraph subsection.

13 ~~(4)a.~~(5)(a) On or after October 1, 2002, ~~a~~ no person
14 preparing or filing a document to be recorded in the official
15 records by the county recorder as provided for in chapter 28
16 may not include any person's social security number in that
17 document, unless otherwise expressly required by law. If a
18 social security number is or has been included in a document
19 presented to the county recorder for recording in the official
20 records of the county before, on, or after October 1, 2002, it
21 may be made available as part of the official record available
22 for public inspection and copying.

23 ~~b.~~(b) Any person, or his or her attorney or legal
24 guardian, has the right to request that a county recorder
25 remove, from an image or copy of an official record placed on
26 a county recorder's publicly available Internet website or a
27 publicly available Internet website used by a county recorder
28 to display public records or otherwise made electronically
29 available to the general public by such recorder, his or her
30 social security number contained in that official record.
31 Such request must be made in writing, legibly signed by the

1 requester and delivered by mail, facsimile, or electronic
2 transmission, or delivered in person, to the county recorder.
3 The request must specify the identification page number that
4 contains the social security number to be redacted. The
5 county recorder has ~~shall have~~ no duty to inquire beyond the
6 written request to verify the identity of a person requesting
7 redaction. A No fee may not will be charged for the redaction
8 of a social security number pursuant to such request.

9 c.(c) A county recorder shall immediately and
10 conspicuously post signs throughout his or her offices for
11 public viewing and; ~~and shall, prior to October 1, 2002, publish on two~~
12 notice on any Internet website or remote electronic site made
13 available by the county recorder and used for the ordering or
14 display of official records or images or copies of official
15 records; ~~and shall, prior to October 1, 2002, publish on two~~
16 ~~separate dates in a newspaper of general circulation in the~~
17 ~~county where the county recorder's office is located as~~
18 ~~provided for in chapter 50,~~ a notice, stating, in
19 substantially similar form, the following:

20 (I)1. On or after October 1, 2002, any person
21 preparing or filing a document for recordation in the official
22 records may not include a social security number in such
23 document, unless required by law.

24 (II)2. Any person has a right to request a county
25 recorder to remove, from an image or copy of an official
26 record placed on a county recorder's publicly available
27 Internet website or on a publicly available Internet website
28 used by a county recorder to display public records or
29 otherwise made electronically available to the general public,
30 any social security number contained in an official record.
31 Such request must be made in writing and delivered by mail,

1 | facsimile, or electronic transmission, or delivered in person,
2 | to the county recorder. The request must specify the
3 | identification page number that contains the social security
4 | number to be redacted. No fee will be charged for the
5 | redaction of a social security number pursuant to such a
6 | request.

7 | ~~5.(6)~~ Beginning January 31, 2004, and each January 31
8 | thereafter, every agency must file a report with the Secretary
9 | of State, the President of the Senate, and the Speaker of the
10 | House of Representatives listing the identity of all
11 | commercial entities that have requested social security
12 | numbers during the preceding calendar year and the specific
13 | purpose or purposes stated by each commercial entity regarding
14 | its need for social security numbers. If no disclosure
15 | requests were made, the agency shall so indicate.

16 | ~~6.(7)~~ The Legislature acknowledges that the social
17 | security number was never intended to be used for business
18 | purposes but was intended to be used solely for the
19 | administration of the federal Social Security System. The
20 | Legislature is further aware that over time this unique
21 | numeric identifier has been used extensively for identity
22 | verification purposes and other legitimate consensual
23 | purposes. The Legislature is also cognizant of the fact that
24 | the social security number can be used as a tool to perpetuate
25 | fraud against a person and to acquire sensitive personal,
26 | financial, medical, and familial information, the release of
27 | which could cause great financial or personal harm to an
28 | individual. The Legislature intends to monitor the commercial
29 | use of social security numbers held by state agencies in order
30 | to maintain a balanced public policy.

31 |

1 ~~7.(8)~~ An agency ~~may shall~~ not collect an individual's
2 social security number unless authorized by law to do so or
3 unless the collection of the social security number is
4 otherwise imperative for the performance of that agency's
5 duties and responsibilities as prescribed by law. Social
6 security numbers collected by an agency must be relevant to
7 the purpose for which collected and ~~must shall~~ not be
8 collected until and unless the need for social security
9 numbers has been clearly documented. An agency that collects
10 social security numbers shall also segregate that number on a
11 separate page from the rest of the record, or as otherwise
12 appropriate, in order that the social security number be more
13 easily redacted, if required, pursuant to a public records
14 request. An agency collecting a person's social security
15 number shall, upon that person's request, at the time of or
16 prior to the actual collection of the social security number
17 by that agency, provide that person with a statement of the
18 purpose or purposes for which the social security number is
19 being collected and used. Social security numbers collected by
20 an agency ~~may shall~~ not be used by that agency for any purpose
21 other than the purpose stated. Social security numbers
22 collected by an agency prior to May 13, 2002, shall be
23 reviewed for compliance with this ~~subparagraph subsection~~. If
24 the collection of a social security number prior to May 13,
25 2002, is found to be unwarranted, the agency shall immediately
26 discontinue the collection of social security numbers for that
27 purpose.

28 ~~8.(9)~~ Any affected person may petition the circuit
29 court for an order directing compliance with this ~~paragraph~~
30 ~~section~~.

31

1 ~~9.(10)~~ The provisions of This paragraph does section
2 ~~do~~ not supersede any other applicable public records
3 exemptions existing prior to May 13, 2002, or created
4 thereafter.

5 ~~10.(11)~~ This paragraph section is subject to the Open
6 Government Sunset Review Act ~~of 1995~~ in accordance with s.
7 119.15~~7~~ and shall stand repealed October 2, 2007, unless
8 reviewed and saved from repeal through reenactment by the
9 Legislature.2

10 Section 14. Paragraph (j) of subsection (6) of section
11 119.07, Florida Statutes, is transferred, redesignated as
12 paragraph (b) of subsection (3) of section 119.071, Florida
13 Statutes, and amended to read:

14 119.071 General exemptions from inspection or copying
15 of public records.--

16 (3) OTHER PERSONAL IDENTIFYING INFORMATION.--

17 ~~(b)(j)~~ Any information provided to an agency of state
18 government or to an agency of a political subdivision of the
19 state for the purpose of forming ridesharing arrangements,
20 which information reveals the identity of an individual who
21 has provided his or her name for ridesharing, as defined in s.
22 341.031, is exempt from ~~s. 119.07(1) the provisions of~~
23 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.

24 Section 15. Paragraph (r) of subsection (6) of section
25 119.07, Florida Statutes, is transferred, redesignated as
26 paragraph (c) of subsection (3) of section 119.071, Florida
27 Statutes, and amended to read:

28 119.071 General exemptions from inspection or copying
29 of public records.--

30 (3) OTHER PERSONAL IDENTIFYING INFORMATION.--

31

1 ~~(c)(r)~~ All records supplied by a telecommunications
2 company, as defined by s. 364.02, to a state or local
3 governmental agency which contain the name, address, and
4 telephone number of subscribers are confidential and exempt
5 from s. 119.07(1) ~~the provisions of subsection (1)~~ and s.
6 24(a), Art. I of the State Constitution.

7 Section 16. Paragraph (u) of subsection (6) of section
8 119.07, Florida Statutes, is transferred, redesignated as
9 paragraph (d) of subsection (3) of section 119.071, Florida
10 Statutes, and amended to read:

11 119.071 General exemptions from inspection or copying
12 of public records.--

13 (3) OTHER PERSONAL IDENTIFYING INFORMATION.--

14 ~~(d)(u)~~ When ~~Where~~ the alleged victim chooses not to
15 file a complaint and requests that records of the complaint
16 remain confidential, all records relating to an allegation of
17 employment discrimination are confidential and exempt from s.
18 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
19 I of the State Constitution.

20 Section 17. Paragraph (s) of subsection (6) of section
21 119.07, Florida Statutes, is transferred, redesignated as
22 paragraph (e) of subsection (3) of section 119.071, Florida
23 Statutes, and amended to read:

24 119.071 General exemptions from inspection or copying
25 of public records.--

26 (3) OTHER PERSONAL IDENTIFYING INFORMATION.--

27 ~~(e)(s)~~1. Any document that reveals the identity, home
28 or employment telephone number, home or employment address, or
29 personal assets of the victim of a crime and identifies that
30 person as the victim of a crime, which document is received by
31 any agency that regularly receives information from or

1 concerning the victims of crime, is exempt from s. 119.07(1)
2 ~~the provisions of subsection (1)~~ and s. 24(a), Art. I of the
3 State Constitution. Any information not otherwise held
4 confidential or exempt from s. 119.07(1) ~~the provisions of~~
5 ~~subsection (1)~~ which reveals the home or employment telephone
6 number, home or employment address, or personal assets of a
7 person who has been the victim of sexual battery, aggravated
8 child abuse, aggravated stalking, harassment, aggravated
9 battery, or domestic violence is exempt from s. 119.07(1) ~~the~~
10 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
11 Constitution, upon written request by the victim, which must
12 include official verification that an applicable crime has
13 occurred. Such information shall cease to be exempt 5 years
14 after the receipt of the written request. Any state or federal
15 agency that is authorized to have access to such documents by
16 any provision of law shall be granted such access in the
17 furtherance of such agency's statutory duties, notwithstanding
18 ~~the provisions of this section.~~

19 2.a. Any information in a videotaped statement of a
20 minor who is alleged to be or who is a victim of sexual
21 battery, lewd acts, or other sexual misconduct proscribed in
22 chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s.
23 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which
24 reveals that minor's identity, including, but not limited to,
25 the minor's face; the minor's home, school, church, or
26 employment telephone number; the minor's home, school, church,
27 or employment address; the name of the minor's school, church,
28 or place of employment; or the personal assets of the minor+
29 and which identifies that minor as the victim of a crime
30 described in this subparagraph, held by a law enforcement
31 agency, is confidential and exempt from s. 119.07(1)

1 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
2 Any governmental agency that is authorized to have access to
3 such statements by any provision of law shall be granted such
4 access in the furtherance of the agency's statutory duties,
5 notwithstanding ~~the provisions of~~ this section.

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

20 Section 18. Paragraph (gg) of subsection (6) of
21 section 119.07, Florida Statutes, is transferred, redesignated
22 as paragraph (f) of subsection (3) of section 119.071, Florida
23 Statutes, and amended to read:

24 119.071 General exemptions from inspection or copying
25 of public records.--

26 (3) OTHER PERSONAL IDENTIFYING INFORMATION.--

27 (b)~~(gg)~~1. Until January 1, 2006, if a social security
28 number, made confidential and exempt pursuant to s. 119.0721,
29 created pursuant to s. 1, ch. 2002-256, passed during the 2002
30 regular legislative session, or a complete bank account,
31 debit, charge, or credit card number made exempt pursuant to

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

16 2. Any person who prepares or files a document to be
17 recorded in the official records by the county recorder as
18 provided in chapter 28 may not include a person's social
19 security number or complete bank account, debit, charge, or
20 credit card number in that document unless otherwise expressly
21 required by law. Until January 1, 2006, if a social security
22 number or a complete bank account, debit, charge or credit
23 card number is or has been included in a document presented to
24 the county recorder for recording in the official records of
25 the county, such number may be made available as part of the
26 official record available for public inspection and copying.
27 Any person, or his or her attorney or legal guardian, may
28 request that a county recorder remove from an image or copy of
29 an official record placed on a county recorder's publicly
30 available Internet website, or a publicly available Internet
31 website used by a county recorder to display public records

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

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

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

24 Section 19. Paragraph (bb) of subsection (6) of
25 section 119.07, Florida Statutes, is transferred, redesignated
26 as paragraph (g) of subsection (3) of section 119.071, Florida
27 Statutes, and amended to read:

28 119.071 General exemptions from inspection or copying
29 of public records.--

30 (3) OTHER PERSONAL IDENTIFYING INFORMATION.--

31

1 ~~(g)(bb)~~ Medical history records and information
2 related to health or property insurance provided to the
3 Department of Community Affairs, the Florida Housing Finance
4 Corporation, a county, a municipality, or a local housing
5 finance agency by an applicant for or a participant in a
6 federal, state, or local housing assistance program are
7 confidential and exempt from ~~s. 119.07(1) the provisions of~~
8 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
9 Governmental entities or their agents shall have access to
10 such confidential and exempt records and information for the
11 purpose of auditing federal, state, or local housing programs
12 or housing assistance programs. Such confidential and exempt
13 records and information may be used in any administrative or
14 judicial proceeding, provided such records are kept
15 confidential and exempt unless otherwise ordered by a court.

16 Section 20. Paragraph (jj) of subsection (6) of
17 section 119.07, Florida Statutes, is transferred, redesignated
18 as paragraph (h) of subsection (3) of section 119.071, Florida
19 Statutes, and amended to read:

20 119.071 General exemptions from inspection or copying
21 of public records.--

22 (3) OTHER PERSONAL IDENTIFYING INFORMATION.--

23 119.07 Inspection and copying of records;
24 photographing public records; fees; exemptions.--

25 ~~(h)(jj)~~ Any information that would identify or help to
26 locate a child who participates in government-sponsored
27 recreation programs or camps or the parents or guardians of
28 such child, including, but not limited to, the name, home
29 address, telephone number, social security number, or
30 photograph of the child; the names and locations of schools
31 attended by such child; and the names, home addresses, and

1 social security numbers of parents or guardians of such child
2 is exempt from s. 119.07(1) ~~subsection (1)~~ and s. 24(a), Art.
3 I of the State Constitution. Information made exempt pursuant
4 to this paragraph may be disclosed by court order upon a
5 showing of good cause. This exemption applies to records held
6 before, on, or after the effective date of this exemption.

7 Section 21. Present section 119.071, Florida Statutes,
8 is redesignated as paragraph (a) of subsection (4) of that
9 section and amended to read:

10 119.071 General exemptions from inspection or copying
11 of public records.--

12 (4) Security.--

13 (a) A security system plan or portion thereof for:

14 1.(1) Any property owned by or leased to the state or
15 any of its political subdivisions; or

16 2.(2) Any privately owned or leased property

17

18 which plan or portion thereof is held by any agency, as
19 defined in s. 119.011, is confidential and exempt from ~~the~~
20 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
21 Constitution. As used in this paragraph section, the term a
22 "security system plan" includes all records, information,
23 photographs, audio and visual presentations, schematic
24 diagrams, surveys, recommendations, or consultations or
25 portions thereof relating directly to the physical security of
26 the facility or revealing security systems; threat assessments
27 conducted by any agency as defined in s. 119.011 or any
28 private entity; threat response plans; emergency evacuation
29 plans; sheltering arrangements; or manuals for security
30 personnel, emergency equipment, or security training. This
31 exemption is remedial in nature and it is the intent of the

1 | Legislature that this exemption be applied to security system
2 | plans held by an agency before, on, or after the effective
3 | date of this paragraph ~~section~~. Information made confidential
4 | and exempt by this paragraph ~~section~~ may be disclosed by the
5 | custodial agency to the property owner or leaseholder; or such
6 | information may be disclosed by the custodial agency to
7 | another state or federal agency to prevent, detect, guard
8 | against, respond to, investigate, or manage the consequences
9 | of any attempted or actual act of terrorism, or to prosecute
10 | those persons who are responsible for such attempts or acts,
11 | and the confidential and exempt status of such information
12 | shall be retained while in the possession of the receiving
13 | agency. This paragraph ~~section~~ is subject to the Open
14 | Government Sunset Review Act ~~of 1995~~, in accordance with s.
15 | 119.15~~7~~ and shall stand repealed on October 2, 2006, unless
16 | reviewed and saved from repeal through reenactment by the
17 | Legislature.

18 | Section 22. Paragraphs (ee) and (ff) of subsection (6)
19 | of section 119.07, Florida Statutes, are transferred,
20 | redesignated as paragraphs (b) and (c), respectively, of
21 | subsection (4) of section 119.071, Florida Statutes, and
22 | amended to read:

23 | 119.071 General exemptions from inspection or copying
24 | of public records.--

25 | (4) SECURITY.--

26 | (b)(ee) Building plans, blueprints, schematic
27 | drawings, and diagrams, including draft, preliminary, and
28 | final formats, which depict the internal layout and structural
29 | elements of a building, arena, stadium, water treatment
30 | facility, or other structure owned or operated by an agency ~~as~~
31 | ~~defined in s. 119.011~~ are exempt from s. 119.07(1) ~~the~~

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

21 (c)~~(ff)~~ Building plans, blueprints, schematic
22 drawings, and diagrams, including draft, preliminary, and
23 final formats, which depict the internal layout or structural
24 elements of an attractions and recreation facility,
25 entertainment or resort complex, industrial complex, retail
26 and service development, office development, or hotel or motel
27 development, which documents are held by an agency ~~as defined~~
28 ~~in s. 119.011~~, are exempt from s. 119.07(1) ~~the provisions of~~
29 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
30 This exemption applies to any such documents held either
31 permanently or temporarily by an agency before or after the

1 | effective date of this act. Information made exempt by this
2 | paragraph may be disclosed to another governmental entity if
3 | disclosure is necessary for the receiving entity to perform
4 | its duties and responsibilities; to the owner or owners of the
5 | structure in question or the owner's legal representative; or
6 | upon a showing of good cause before a court of competent
7 | jurisdiction. As used in this paragraph, the term:

8 | 1. "Attractions and recreation facility" means any
9 | sports, entertainment, amusement, or recreation facility,
10 | including, but not limited to, a sports arena, stadium,
11 | racetrack, tourist attraction, amusement park, or pari-mutuel
12 | facility that:

13 | a. For single-performance facilities:

14 | (I) Provides single-performance facilities; or

15 | (II) Provides more than 10,000 permanent seats for
16 | spectators.

17 | b. For serial-performance facilities:

18 | (I) Provides parking spaces for more than 1,000 motor
19 | vehicles; or

20 | (II) Provides more than 4,000 permanent seats for
21 | spectators.

22 | 2. "Entertainment or resort complex" means a theme
23 | park comprised of at least 25 acres of land with permanent
24 | exhibitions and a variety of recreational activities, which
25 | has at least 1 million visitors annually who pay admission
26 | fees thereto, together with any lodging, dining, and
27 | recreational facilities located adjacent to, contiguous to, or
28 | in close proximity to the theme park, as long as the owners or
29 | operators of the theme park, or a parent or related company or
30 | subsidiary thereof, has an equity interest in the lodging,
31 | dining, or recreational facilities or is in privity therewith.

1 Close proximity includes an area within a 5-mile radius of the
2 theme park complex.

3 3. "Industrial complex" means any industrial,
4 manufacturing, processing, distribution, warehousing, or
5 wholesale facility or plant, as well as accessory uses and
6 structures, under common ownership which:

7 a. Provides onsite parking for more than 250 motor
8 vehicles;

9 b. Encompasses 500,000 square feet or more of gross
10 floor area; or

11 c. Occupies a site of 100 acres or more, but excluding
12 wholesale facilities or plants that primarily serve or deal
13 onsite with the general public.

14 4. "Retail and service development" means any retail,
15 service, or wholesale business establishment or group of
16 establishments which deals primarily with the general public
17 onsite and is operated under one common property ownership,
18 development plan, or management that:

19 a. Encompasses more than 400,000 square feet of gross
20 floor area; or

21 b. Provides parking spaces for more than 2,500 motor
22 vehicles.

23 5. "Office development" means any office building or
24 park operated under common ownership, development plan, or
25 management that encompasses 300,000 or more square feet of
26 gross floor area.

27 6. "Hotel or motel development" means any hotel or
28 motel development that accommodates 350 or more units.

29

30 This exemption does not apply to comprehensive plans or site
31 plans, or amendments thereto, which are submitted for approval

1 or which have been approved under local land development
2 regulations, local zoning regulations, or
3 development-of-regional-impact review.

4 Section 23. Paragraph (aa) of subsection (6) of
5 section 119.07, Florida Statutes, is transferred, redesignated
6 as section 119.07101, Florida Statutes, and amended to read:

7 119.07101 Department of Highway Safety and Motor
8 Vehicles; information exempted from inspection and copying.--

9 ~~(aa)~~ Personal information contained in a motor vehicle
10 record that identifies the subject of that record is exempt
11 from s. 119.07(1) ~~subsection (1)~~ and s. 24(a), Art. I of the
12 State Constitution except as provided in this section
13 ~~paragraph~~. Personal information includes, but is not limited
14 to, the subject's social security number, driver
15 identification number, name, address, telephone number, and
16 medical or disability information. For purposes of this
17 section ~~paragraph~~, personal information does not include
18 information relating to vehicular crashes, driving violations,
19 and driver's status. For purposes of this section ~~paragraph~~,
20 the term "motor vehicle record" means any record that pertains
21 to a motor vehicle operator's permit, motor vehicle title,
22 motor vehicle registration, or identification card issued by
23 the Department of Highway Safety and Motor Vehicles. Personal
24 information contained in motor vehicle records exempted by
25 this section ~~paragraph~~ shall be released by the department for
26 any of the following uses:

27 (1) ~~1-~~ For use in connection with matters of motor
28 vehicle or driver safety and theft; motor vehicle emissions;
29 motor vehicle product alterations, recalls, or advisories;
30 performance monitoring of motor vehicles and dealers by motor
31 vehicle manufacturers; and removal of nonowner records from

1 | the original owner records of motor vehicle manufacturers, to
2 | carry out the purposes of the Automobile Information
3 | Disclosure Act, the Motor Vehicle Information and Cost Saving
4 | Act, the National Traffic and Motor Vehicle Safety Act of
5 | 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

6 | ~~(2)~~2. For use by any government agency, including any
7 | court or law enforcement agency, in carrying out its
8 | functions, or any private person or entity acting on behalf of
9 | a federal, state, or local agency in carrying out its
10 | functions.

11 | ~~(3)~~3. For use in connection with matters of motor
12 | vehicle or driver safety and theft; motor vehicle emissions;
13 | motor vehicle product alterations, recalls, or advisories;
14 | performance monitoring of motor vehicles, motor vehicle parts,
15 | and dealers; motor vehicle market research activities,
16 | including survey research; and removal of nonowner records
17 | from the original owner records of motor vehicle
18 | manufacturers.

19 | ~~(4)~~4. For use in the normal course of business by a
20 | legitimate business or its agents, employees, or contractors,
21 | but only:

22 | ~~(a)~~a. To verify the accuracy of personal information
23 | submitted by the individual to the business or its agents,
24 | employees, or contractors; and

25 | ~~(b)~~b. If such information as so submitted is not
26 | correct or is no longer correct, to obtain the correct
27 | information, but only for the purposes of preventing fraud by,
28 | pursuing legal remedies against, or recovering on a debt or
29 | security interest against, the individual.

30 |
31 |

1 ~~(5)5-~~ For use in connection with any civil, criminal,
2 administrative, or arbitral proceeding in any court or agency
3 or before any self-regulatory body for:

4 ~~(a)a-~~ Service of process by any certified process
5 server, special process server, or other person authorized to
6 serve process in this state.

7 ~~(b)b-~~ Investigation in anticipation of litigation by
8 an attorney licensed to practice law in this state or the
9 agent of the attorney; however, the information may not be
10 used for mass commercial solicitation of clients for
11 litigation against motor vehicle dealers.

12 ~~(c)c-~~ Investigation by any person in connection with
13 any filed proceeding; however, the information may not be used
14 for mass commercial solicitation of clients for litigation
15 against motor vehicle dealers.

16 ~~(d)d-~~ Execution or enforcement of judgments and
17 orders.

18 ~~(e)e-~~ Compliance with an order of any court.

19 ~~(6)6-~~ For use in research activities and for use in
20 producing statistical reports, so long as the personal
21 information is not published, redisclosed, or used to contact
22 individuals.

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

28 ~~(8)8-~~ For use in providing notice to the owners of
29 towed or impounded vehicles.

30 ~~(9)9-~~ For use by any licensed private investigative
31 agency or licensed security service for any purpose permitted

1 | under this section ~~paragraph~~. Personal information obtained
2 | based on an exempt driver's record may not be provided to a
3 | client who cannot demonstrate a need based on a police report,
4 | court order, or ~~a~~ business or personal relationship with the
5 | subject of the investigation.

6 | ~~(10)10-~~ For use by an employer or its agent or insurer
7 | to obtain or verify information relating to a holder of a
8 | commercial driver's license that is required under 49 U.S.C.
9 | ss. 31301 et seq.

10 | ~~(11)11-~~ For use in connection with the operation of
11 | private toll transportation facilities.

12 | ~~(12)12-~~ For bulk distribution for surveys, marketing,
13 | or solicitations when the department has obtained the express
14 | consent of the person to whom such personal information
15 | pertains.

16 | ~~(13)13-~~ For any use if the requesting person
17 | demonstrates that he or she has obtained the written consent
18 | of the person who is the subject of the motor vehicle record.

19 | ~~(14)14-~~ For any other use specifically authorized by
20 | state law, if such use is related to the operation of a motor
21 | vehicle or public safety.

22 | ~~(15)15-~~ For any other use if the person to whom the
23 | information pertains has given express consent on a form
24 | prescribed by the department. Such consent shall remain in
25 | effect until it is revoked by the person on a form prescribed
26 | by the department.

27 |
28 | The restrictions on disclosure of personal information
29 | provided by this section ~~paragraph~~ shall not in any way affect
30 | the use of organ donation information on individual driver
31 | licenses or ~~nor~~ affect the administration of organ donation

1 | initiatives in this state. Personal information exempted from
2 | public disclosure according to this section ~~paragraph~~ may be
3 | disclosed by the Department of Highway Safety and Motor
4 | Vehicles to an individual, firm, corporation, or similar
5 | business entity whose primary business interest is to resell
6 | or redisclose the personal information to persons who are
7 | authorized to receive such information. Prior to the
8 | department's disclosure of personal information, such
9 | individual, firm, corporation, or similar business entity must
10 | first enter into a contract with the department regarding the
11 | care, custody, and control of the personal information to
12 | ensure compliance with the federal Driver's Privacy Protection
13 | Act of 1994 and applicable state laws. An authorized recipient
14 | of personal information contained in a motor vehicle record,
15 | except a recipient under subsection (12) ~~subparagraph 12.~~, may
16 | contract with the Department of Highway Safety and Motor
17 | Vehicles to resell or redisclose the information for any use
18 | permitted under this section ~~paragraph~~. However, only
19 | authorized recipients of personal information under subsection
20 | ~~(12) subparagraph 12.~~ may resell or redisclose personal
21 | information pursuant to subsection (12) ~~subparagraph 12.~~ Any
22 | authorized recipient who resells or rediscloses personal
23 | information shall maintain, for a period of 5 years, records
24 | identifying each person or entity that receives the personal
25 | information and the permitted purpose for which it will be
26 | used. Such records shall be made available for inspection upon
27 | request by the department. The department shall adopt rules to
28 | carry out the purposes of this section ~~paragraph~~ and the
29 | federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
30 | 2721 et seq. Rules adopted by the department shall provide for
31 | the payment of applicable fees and, prior to the disclosure of

1 | personal information pursuant to this ~~section paragraph~~, shall
2 | require the meeting of conditions by the requesting person for
3 | the purposes of obtaining reasonable assurance concerning the
4 | identity of such requesting person, and, to the extent
5 | required, assurance that the use will be only as authorized or
6 | that the consent of the person who is the subject of the
7 | personal information has been obtained. Such conditions may
8 | include, but need not be limited to, the making and filing of
9 | a written application in such form and containing such
10 | information and certification requirements as the department
11 | requires.

12 | Section 24. Paragraph (cc) of subsection (6) of
13 | section 119.07, Florida Statutes, is transferred, redesignated
14 | as section 119.07102, Florida Statutes, and amended to read:

15 | 119.07102 Department of Health; information exempted
16 | from inspection and copying.--

17 | ~~(cc)~~—All personal identifying information; bank
18 | account numbers; and debit, charge, and credit card numbers
19 | contained in records relating to an individual's personal
20 | health or eligibility for health-related services made or
21 | received by the Department of Health or its service providers
22 | are confidential and exempt from ~~s. 119.07(1) the provisions~~
23 | ~~of subsection (1)~~ and s. 24(a), Art. I of the State
24 | Constitution, except as otherwise provided in this section
25 | ~~paragraph~~. Information made confidential and exempt by this
26 | section paragraph shall be disclosed:

27 | ~~(1)1-~~ With the express written consent of the
28 | individual or the individual's legally authorized
29 | representative.

30 | ~~(2)2-~~ In a medical emergency, but only to the extent
31 | necessary to protect the health or life of the individual.

1 ~~(3)3-~~ By court order upon a showing of good cause.
2 ~~(4)4-~~ To a health research entity, if the entity seeks
3 the records or data pursuant to a research protocol approved
4 by the department, maintains the records or data in accordance
5 with the approved protocol, and enters into a purchase and
6 data-use agreement with the department, the fee provisions of
7 which are consistent with s. 119.07(4) ~~subsection (4)~~. The
8 department may deny a request for records or data if the
9 protocol provides for intrusive follow-back contacts, has not
10 been approved by a human studies institutional review board,
11 does not plan for the destruction of confidential records
12 after the research is concluded, is administratively
13 burdensome, or does not have scientific merit. The agreement
14 must restrict the release of any information ~~that, which~~ would
15 permit the identification of persons, limit the use of records
16 or data to the approved research protocol, and prohibit any
17 other use of the records or data. Copies of records or data
18 issued pursuant to this subsection ~~subparagraph~~ remain the
19 property of the department.

20
21 This section ~~paragraph~~ is subject to the Open Government
22 Sunset Review Act ~~of 1995~~, in accordance with s. 119.15~~7~~ and
23 shall stand repealed on October 2, 2006, unless reviewed and
24 saved from repeal through reenactment by the Legislature.

25 Section 25. Paragraph (q) of subsection (6) of section
26 119.07, Florida Statutes, is transferred, redesignated as
27 subsection (1) of section 119.0711, Florida Statutes, and
28 amended to read:

29 119.0711 Exemptions from inspection or copying of
30 public records for executive branch agencies only.--

31

1 ~~(1)(g)~~ All complaints and other records in the custody
2 of any agency in the executive branch of state government
3 which relate to a complaint of discrimination relating to
4 race, color, religion, sex, national origin, age, handicap, or
5 marital status in connection with hiring practices, position
6 classifications, salary, benefits, discipline, discharge,
7 employee performance, evaluation, or other related activities
8 are exempt from s. 119.07(1) ~~the provisions of subsection (1)~~
9 and s. 24(a), Art. I of the State Constitution until a finding
10 is made relating to probable cause, the investigation of the
11 complaint becomes inactive, or the complaint or other record
12 is made part of the official record of any hearing or court
13 proceeding. This provision shall not affect any function or
14 activity of the Florida Commission on Human Relations. Any
15 state or federal agency that ~~which~~ is authorized to have
16 access to such complaints or records by any provision of law
17 shall be granted such access in the furtherance of such
18 agency's statutory duties, notwithstanding s. 119.07 ~~the~~
19 ~~provisions of this section.~~

20 Section 26. Paragraph (n) of subsection (6) of section
21 119.07, Florida Statutes, is transferred, redesignated as
22 subsection (2) of section 119.0711, Florida Statutes, and
23 amended to read:

24 119.0711 Exemptions from inspection or copying of
25 public records for executive branch agencies only.--

26 ~~(2)(n)~~ When an agency of the executive branch of state
27 government seeks to acquire real property by purchase or
28 through the exercise of the power of eminent domain all
29 appraisals, other reports relating to value, offers, and
30 counteroffers must be in writing and are exempt from s.
31 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.

1 I of the State Constitution until execution of a valid option
2 contract or a written offer to sell that has been
3 conditionally accepted by the agency, at which time the
4 exemption shall expire. The agency ~~may shall~~ not finally
5 accept the offer for a period of 30 days in order to allow
6 public review of the transaction. The agency may give
7 conditional acceptance to any option or offer subject only to
8 final acceptance by the agency after the 30-day review period.
9 If a valid option contract is not executed, or if a written
10 offer to sell is not conditionally accepted by the agency,
11 then the exemption from ~~the provisions of~~ this chapter shall
12 expire at the conclusion of the condemnation litigation of the
13 subject property. An agency of the executive branch may exempt
14 title information, including names and addresses of property
15 owners whose property is subject to acquisition by purchase or
16 through the exercise of the power of eminent domain, from s.
17 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
18 I of the State Constitution to the same extent as appraisals,
19 other reports relating to value, offers, and counteroffers.
20 For the purpose of this subsection paragraph, the term "option
21 contract" means an agreement of an agency of the executive
22 branch of state government to purchase real property subject
23 to final agency approval. This subsection has paragraph shall
24 ~~have~~ no application to other exemptions from s. 119.07(1) ~~the~~
25 ~~provisions of subsection (1)~~ which are contained in other
26 provisions of law and ~~may shall~~ not be construed to be an
27 express or implied repeal thereof.

28 Section 27. Paragraph (p) of subsection (6) of section
29 119.07, Florida Statutes, is transferred, redesignated as
30 subsection (1) of section 119.0712, Florida Statutes, and
31 amended to read:

1 119.0712 Exemptions from inspection or copying of
2 public records for local government agencies.--

3 ~~(1)(p)~~ All complaints and other records in the custody
4 of any unit of local government which relate to a complaint of
5 discrimination relating to race, color, religion, sex,
6 national origin, age, handicap, marital status, sale or rental
7 of housing, the provision of brokerage services, or the
8 financing of housing are exempt from s. 119.07(1) ~~the~~
9 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
10 Constitution until a finding is made relating to probable
11 cause, the investigation of the complaint becomes inactive, or
12 the complaint or other record is made part of the official
13 record of any hearing or court proceeding. This provision
14 shall not affect any function or activity of the Florida
15 Commission on Human Relations. Any state or federal agency
16 ~~that which~~ is authorized to have access to such complaints or
17 records by any provision of law shall be granted such access
18 in the furtherance of such agency's statutory duties,
19 notwithstanding s. 119.07 ~~the provisions of this section~~. This
20 ~~subsection may paragraph shall~~ not be construed to modify or
21 repeal any special or local act.

22 Section 28. Paragraph (hh) of subsection (6) of
23 section 119.07, Florida Statutes, is transferred, redesignated
24 as subsection (2) of section 119.0712, Florida Statutes, and
25 amended to read:

26 119.0712 Exemptions from inspection or copying of
27 public records for local government agencies.--

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

1 | under Title II of the Americans with Disabilities Act or
2 | eligibility for the transportation disadvantaged program as
3 | provided in part I of chapter 427 is confidential and exempt
4 | from s. 119.07(1) ~~the provisions of subsection (1)~~ and s.
5 | 24(a), Art. I of the State Constitution, except as otherwise
6 | provided in this subsection ~~herein~~. This exemption applies to
7 | personal identifying information contained in such records
8 | held by local governmental entities or their service providers
9 | before, on, or after the effective date of this exemption.
10 | Information made confidential and exempt by this subsection
11 | ~~paragraph~~ shall be disclosed:

12 | ~~(a)1-~~ With the express written consent of the
13 | individual or the individual's legally authorized
14 | representative;

15 | ~~(b)2-~~ In a medical emergency, but only to the extent
16 | necessary to protect the health or life of the individual;

17 | ~~(c)3-~~ By court order upon a showing of good cause; or

18 | ~~(d)4-~~ For the purpose of determining eligibility for
19 | paratransit services if the individual or the individual's
20 | legally authorized representative has filed an appeal or
21 | petition before an administrative body of a local government
22 | or a court.

23 | Section 29. Paragraphs (y) and (z) of subsection (6)
24 | of section 119.07, Florida Statutes, are transferred,
25 | redesignated as subsections (3) and (4), respectively, of
26 | section 119.0712, Florida Statutes, and amended to read:

27 | 119.0712 Exemptions from inspection or copying of
28 | public records for local government agencies.--

29 | ~~(3)(y)~~ The audit report of an internal auditor
30 | prepared for or on behalf of a unit of local government
31 | becomes a public record when the audit becomes final. As used

1 in this subsection ~~paragraph~~, the term "unit of local
2 government" means a county, municipality, special district,
3 local agency, authority, consolidated city-county government,
4 or any other local governmental body or public body corporate
5 or politic authorized or created by general or special law.
6 An audit becomes final when the audit report is presented to
7 the unit of local government. Audit workpapers and notes
8 related to such audit report are confidential and exempt from
9 s. 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a),
10 Art. I of the State Constitution until the audit is completed
11 and the audit report becomes final.

12 ~~(4)(z)~~ Any data, record, or document used directly or
13 solely by a municipally owned utility to prepare and submit a
14 bid relative to the sale, distribution, or use of any service,
15 commodity, or tangible personal property to any customer or
16 prospective customer is ~~shall be~~ exempt from s. 119.07(1) ~~the~~
17 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
18 Constitution. This exemption commences when a municipal
19 utility identifies in writing a specific bid to which it
20 intends to respond. This exemption no longer applies when the
21 contract for sale, distribution, or use of the service,
22 commodity, or tangible personal property is executed, a
23 decision is made not to execute such contract, or the project
24 is no longer under active consideration. The exemption in this
25 subsection ~~paragraph~~ includes the bid documents actually
26 furnished in response to the request for bids. However, the
27 exemption for the bid documents submitted no longer applies
28 after the bids are opened by the customer or prospective
29 customer.

30 Section 30. Section 119.15, Florida Statutes, is
31 amended to read:

1 119.15 Legislative review of exemptions from public
2 meeting and public records requirements.--

3 (1) This section may be cited as the "Open Government
4 Sunset Review Act ~~of 1995.~~"

5 (2) This section provides for the review and repeal or
6 reenactment of exemption to Art. I, of s. 24 of the State
7 Constitution and s. automatic application of the policy of
8 open government as provided in ss. 119.01 and 286.011 to
9 certain exemptions from ss. 119.07(1) or s. and 286.011. This
10 act does not apply to an exemption that:

11 (a) Is required by federal law; or

12 (b) Applies solely to the Legislature or the State
13 Court System. It is the intent of the Legislature that
14 exemptions to ss. 119.07(1) and 286.011 shall be created or
15 maintained only if:

16 (a) The exempted record or meeting is of a sensitive,
17 personal nature concerning individuals;

18 (b) The exemption is necessary for the effective and
19 efficient administration of a governmental program; or

20 (c) The exemption affects confidential information
21 concerning an entity.

22
23 ~~Thus, the maintenance or creation of an exemption must be~~
24 ~~compelled as measured by these criteria. Further, the~~
25 ~~Legislature finds that the public has a right to have access~~
26 ~~to executive branch governmental meetings and records unless~~
27 ~~the criteria in this section for restricting such access to a~~
28 ~~public meeting or public record are met and the criteria are~~
29 ~~considered during legislative review in connection with the~~
30 ~~particular exemption to be significant enough to override the~~
31 ~~strong public policy of open government. To strengthen the~~

1 ~~policy of open government, the Legislature shall consider the~~
2 ~~criteria in this section before enacting future exemptions.~~

3 (3)~~(a)~~ In the 5th year after enactment of a new
4 exemption or substantial amendment of an existing exemption,
5 the exemption shall be repealed ~~repeal~~ on October 2nd of the
6 5th year, unless the Legislature acts to reenact the
7 exemption.

8 (4)~~(a)~~ A law that enacts a new exemption or
9 substantially amends an existing exemption must:

10 1. State the section in the Florida Statutes from
11 which it is exempt; and

12 2. State that the exemption is repealed at the end of
13 5 years and that the exemption must be reviewed by the
14 Legislature before the scheduled repeal date.

15 (b) For purposes of this section, an exemption is
16 substantially amended if the amendment expands the scope of
17 the exemption to include more records or information or to
18 include meetings as well as records. An exemption is not
19 substantially amended if the amendment narrows the scope of
20 the exemption.

21 (c) This section is not intended to repeal an
22 exemption that has been amended following legislative review
23 before the scheduled repeal of the exemption if the exemption
24 is not substantially amended as a result of the review.

25 (5)~~(d)~~ By June 1 in the year before the repeal of an
26 exemption under this section, the Division of Statutory
27 Revision of the Office of Legislative Services shall certify
28 to the President of the Senate and the Speaker of the House of
29 Representatives, ~~by June 1,~~ the language and statutory
30 citation of each exemption scheduled for repeal the following
31

1 | ~~year which meets the criteria of an exemption as defined in~~
2 | ~~this section.~~

3 | **(b)** Any exemption that is not identified and certified
4 | to the President of the Senate and the Speaker of the House of
5 | Representatives is not subject to legislative review and
6 | repeal under this section. If the division fails to certify
7 | an exemption that it subsequently determines should have been
8 | certified, it shall include the exemption in the following
9 | year's certification after that determination.

10 | ~~(c) The term "exemption" means a provision of the~~
11 | ~~Florida Statutes which creates an exception to s. 119.07(1) or~~
12 | ~~s. 286.011 and which applies to the executive branch of state~~
13 | ~~government or to local government, but it does not include any~~
14 | ~~provision of a special law or local law.~~

15 | ~~(f) An exemption that is required by federal law is~~
16 | ~~not subject to repeal under this section.~~

17 | ~~(g) An exemption that applies solely to the~~
18 | ~~Legislature or the State Court System is not subject to repeal~~
19 | ~~under this section.~~

20 | **(6)(4)(a)** ~~The Legislature shall review the exemption~~
21 | ~~before its scheduled repeal and consider~~ As part of the review
22 | process, the Legislature shall consider the following:

23 | 1. What specific records or meetings are affected by
24 | the exemption?

25 | 2. Whom does the exemption uniquely affect, as opposed
26 | to the general public?

27 | 3. What is the identifiable public purpose or goal of
28 | the exemption?

29 | 4. Can the information contained in the records or
30 | discussed in the meeting be readily obtained by alternative
31 | means? If so, how?

1 (b) An exemption may be created, revised or maintained
2 only if it serves an identifiable public purpose, and the
3 exemption may be no broader than is necessary to meet the
4 public purpose it serves. An identifiable public purpose is
5 served if the exemption meets one of the following purposes
6 and the Legislature finds that the purpose is sufficiently
7 compelling to override the strong public policy of open
8 government and cannot be accomplished without the exemption:

9 1. Allows the state or its political subdivisions to
10 effectively and efficiently administer a governmental program,
11 which administration would be significantly impaired without
12 the exemption;

13 2. Protects information of a sensitive personal nature
14 concerning individuals, the release of which information would
15 be defamatory to such individuals or cause unwarranted damage
16 to the good name or reputation of such individuals or would
17 jeopardize the safety of such individuals. However, in
18 exemptions under this subparagraph, only information that
19 would identify the individuals may be exempted; or

20 3. Protects information of a confidential nature
21 concerning entities, including, but not limited to, a formula,
22 pattern, device, combination of devices, or compilation of
23 information which is used to protect or further a business
24 advantage over those who do not know or use it, the disclosure
25 of which information would injure the affected entity in the
26 marketplace.

27 ~~(7)(c)~~ Records made before the date of a repeal of an
28 exemption under this section may not be made public unless
29 otherwise provided by law. In deciding whether the records
30 shall be made public, the Legislature shall consider whether
31 the damage or loss to persons or entities uniquely affected by

1 the exemption of the type specified in subparagraph (6)(b)2.
2 ~~(b)2.~~ or subparagraph (6)(b)3. ~~(b)3.~~ would occur if the
3 records were made public.

4 ~~(d) An exemption that is created or revived and~~
5 ~~reenacted must contain uniform language that clearly states~~
6 ~~the section in the Florida Statutes from which it is exempt,~~
7 ~~s. 119.07(1) or s. 286.011. The uniform language must also~~
8 ~~provide for the maximum public access to the meetings and~~
9 ~~records as is consistent with the purpose of the exemption.~~
10 ~~An exemption that is created or substantially amended must~~
11 ~~state that the exemption is repealed at the end of 5 years and~~
12 ~~that the exemption must be reviewed by the Legislature before~~
13 ~~the scheduled date of repeal.~~

14 ~~(8)(e)~~ Notwithstanding s. 768.28 or any other law,
15 neither the state or its political subdivisions nor any other
16 public body shall be made party to any suit in any court or
17 incur any liability for the repeal or revival and reenactment
18 of an exemption under this section. The failure of the
19 Legislature to comply strictly with this section does not
20 invalidate an otherwise valid reenactment.

21 Section 31. Paragraph (w) of subsection (6) of section
22 119.07, Florida Statutes, is transferred, redesignated as
23 section 112.31891, Florida Statutes, and amended to read:

24 112.31891 Investigatory records.--

25 ~~(1)(w)1.~~ If certified pursuant to subsection (2)
26 ~~subparagraph 2.~~, an investigatory record of the Chief
27 Inspector General within the Executive Office of the Governor
28 or of the employee designated by an agency head as the agency
29 inspector general under s. 112.3189 is exempt from s.
30 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
31 I of the State Constitution until the registration ceases to

1 | be active, or a report detailing the investigation is provided
2 | to the Governor or the agency head, or 60 days from the
3 | inception of the investigation for which the record was made
4 | or received, whichever first occurs. Investigatory records are
5 | those records that ~~which~~ are related to the investigation of
6 | an alleged, specific act or omission or other wrongdoing, with
7 | respect to an identifiable person or group of persons, based
8 | on information compiled by the Chief Inspector General or by
9 | an agency inspector general, as named under the provisions of
10 | s. 112.3189, in the course of an investigation. An
11 | investigation is active if it is continuing with a reasonable,
12 | good faith anticipation of resolution and with reasonable
13 | dispatch.

14 | ~~(2)2-~~ The Governor, in the case of the Chief Inspector
15 | General, or agency head, in the case of an employee designated
16 | as the agency inspector general under s. 112.3189, may certify
17 | that such investigatory records require an exemption to
18 | protect the integrity of the investigation or avoid
19 | unwarranted damage to an individual's good name or reputation.
20 | The certification must ~~shall~~ specify the nature and purpose of
21 | the investigation and shall be kept with the exempt records
22 | and made public when the records are made public.

23 | ~~(3)3-~~ ~~The provisions of This section does paragraph do~~
24 | not apply to whistle-blower investigations conducted pursuant
25 | to ~~the provisions of~~ ss. 112.3187, 112.3188, 112.3189, and
26 | 112.31895.

27 | Section 32. This act shall take effect October 1,
28 | 2005.

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SENATE SUMMARY

Revises public-records and public-meetings laws.
Reorganizes existing exemptions from public-records
disclosure according to subject matter. Revises standards
for review of public-records and public-meetings
exemptions under the Open Government Sunset Review Act.
(See bill for details.)