

By the Committee on Governmental Oversight and Productivity;
and Senator Argenziano

585-1752B-05

1 A bill to be entitled
2 An act relating to public records and public
3 meetings; amending s. 119.01, F.S.; clarifying
4 general state policy on public records;
5 amending s. 119.07, F.S.; conforming
6 cross-references; making editorial and
7 conforming changes; transferring exemptions
8 from public-records requirements under that
9 section to indicated sections of Florida
10 Statutes; amending s. 119.071, F.S.;
11 transferring exemptions from public-records
12 requirements under s. 119.07(6), F.S., to that
13 section and reorganizing the exemptions under
14 the classifications of "Agency Administration,"
15 "Agency Investigations," "Security," "Agency
16 Personnel Information," and "Other Personal
17 Information"; making editorial and conforming
18 changes; transferring and amending s. 119.0721,
19 F.S.; transferring exemptions provided for
20 social security numbers to s. 119.071, F.S.;
21 making editorial and conforming changes;
22 deleting obsolete provisions; creating s.
23 119.0711, F.S.; transferring exemptions under
24 s. 119.07(6), F.S., to that section and
25 reorganizing the exemptions under the
26 classification of "Executive Branch Agency
27 Exemptions from Inspection and Copying of
28 Public Records"; making editorial and
29 conforming changes; creating s. 119.0712, F.S.;
30 transferring exemptions under s. 119.07(6),
31 F.S., to that section and reorganizing the

1 exemptions under the classification of
2 "Executive Branch Agency-Specific Exemptions
3 from Inspection and Copying of Public Records";
4 making editorial and conforming changes;
5 creating s. 119.0713, F.S.; transferring
6 exemptions under s. 119.07(6), F.S., to that
7 section and reorganizing the exemptions under
8 the classification of "Local Government Branch
9 Agency Exemptions from Inspection and Copying
10 of Public Records"; making editorial and
11 conforming changes; amending s. 119.15, F.S.;
12 revising standards and guidelines for the
13 review and repeal of exemptions from
14 public-records and public-meetings requirements
15 pursuant to the Open Government Sunset Review
16 Act; making editorial and conforming changes;
17 creating s. 112.31891, F.S.; transferring
18 exemptions under s. 119.07(6), F.S., to that
19 section and reorganizing the exemptions under
20 the classification of "Investigatory Records";
21 making editorial and conforming changes;
22 creating s. 27.7081, F.S.; transferring
23 provisions relating to capital postconviction
24 public records production under s. 119.19,
25 F.S., to that section; amending ss. 27.708,
26 101.5607, 112.533, 119.011, 286.0113, 287.0943,
27 320.05, 322.20, 338.223, 401.27, 409.2577,
28 633.527, 794.024, and 1007.35, F.S.; conforming
29 cross-references; providing an effective date.

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

1 Section 1. Subsection (1) of section 119.01, Florida
2 Statutes, is amended to read:

3 119.01 General state policy on public records.--

4 (1) It is the policy of this state that all state,
5 county, and municipal records are open for personal inspection
6 and copying by any person. Providing access to public records
7 is a duty of each agency.

8 Section 2. Paragraph (e) of subsection (1), and
9 subsections (7), (8), (9), and (10) of section 119.07, Florida
10 Statutes, are amended to read:

11 119.07 Inspection and copying of records;
12 photographing public records; fees; exemptions.--

13 (1)

14 (e) In any civil action in which an exemption to this
15 section is asserted, if the exemption is alleged to exist
16 under or by virtue of s. 119.071(1)(d) or (f), (2)(d), (e), or
17 (f), or (4)(c) paragraph (6)(c), paragraph (6)(d), paragraph
18 (6)(e), paragraph (6)(k), paragraph (6)(l), or paragraph
19 (6)(o), the public record or part thereof in question shall be
20 submitted to the court for an inspection in camera. If an
21 exemption is alleged to exist under or by virtue of s.
22 119.071(2)(c) paragraph (6)(b), an inspection in camera is
23 discretionary with the court. If the court finds that the
24 asserted exemption is not applicable, it shall order the
25 public record or part thereof in question to be immediately
26 produced for inspection or copying as requested by the person
27 seeking such access.

28 ~~(6)(7)~~ Nothing in this chapter ~~section~~ shall be
29 construed to exempt from subsection (1) a public record that
30 ~~which~~ was made a part of a court file and that ~~which~~ is not
31 specifically closed by order of court, except as provided in

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

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

19 ~~(8)(9)~~ An exemption from this section does not imply
20 an exemption from s. 286.011. The exemption from s. 286.011
21 must be expressly provided.

22 ~~(9)(10)~~ The provisions of this section are not
23 intended to expand or limit the provisions of Rule 3.220,
24 Florida Rules of Criminal Procedure, regarding the right and
25 extent of discovery by the state or by a defendant in a
26 criminal prosecution or in collateral postconviction
27 proceedings. This section may not be used by any inmate as the
28 basis for failing to timely litigate any postconviction
29 action.

30 Section 3. Paragraph (a) of subsection (6) of section
31 119.07, Florida Statutes, is transferred, redesignated as

1 paragraph (a) of subsection (1) of section 119.071, Florida
2 Statutes, and amended to read:

3 119.071 General exemptions from inspection or copying
4 of public records.--

5 (1) AGENCY ADMINISTRATION.--

6 (a) Examination questions and answer sheets of
7 examinations administered by a governmental agency for the
8 purpose of licensure, certification, or employment are exempt
9 from s. 119.07(1) ~~the provisions of subsection (1)~~ and s.
10 24(a), Art. I of the State Constitution. A person who has
11 taken such an examination has ~~shall have~~ the right to review
12 his or her own completed examination.

13 Section 4. Paragraph (m) of subsection (6) of section
14 119.07, Florida Statutes, is transferred, redesignated as
15 paragraph (b) of subsection (1) of section 119.071, Florida
16 Statutes, and amended to read:

17 119.071 General exemptions from inspection or copying
18 of public records.--

19 (1) AGENCY ADMINISTRATION.--

20 (b)(m) Sealed bids or proposals received by an agency
21 pursuant to invitations to bid or requests for proposals are
22 exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ and
23 s. 24(a), Art. I of the State Constitution until such time as
24 the agency provides notice of a decision or intended decision
25 pursuant to s. 120.57(3)(a) or within 10 days after bid or
26 proposal opening, whichever is earlier.

27 Section 5. Paragraph (t) of subsection (6) of section
28 119.07, Florida Statutes, is transferred, redesignated as
29 paragraph (c) of subsection (1) of section 119.071, Florida
30 Statutes, and amended to read:

31

1 119.071 General exemptions from inspection or copying
2 of public records.--

3 (1) AGENCY ADMINISTRATION.--

4 ~~(c)(t)~~ Any financial statement ~~that which~~ an agency
5 requires a prospective bidder to submit in order to prequalify
6 for bidding or for responding to a proposal for a road or any
7 other public works project is exempt from s. 119.07(1) ~~the~~
8 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
9 Constitution.

10 Section 6. Paragraph (1) of subsection (6) of section
11 119.07, Florida Statutes, is transferred, redesignated as
12 paragraph (d) of subsection (1) 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 (1) AGENCY ADMINISTRATION.--

17 ~~(d)(1)~~1. A public record ~~that which~~ was prepared by an
18 agency attorney (including an attorney employed or retained by
19 the agency or employed or retained by another public officer
20 or agency to protect or represent the interests of the agency
21 having custody of the record) or prepared at the attorney's
22 express direction, ~~that which~~ reflects a mental impression,
23 conclusion, litigation strategy, or legal theory of the
24 attorney or the agency, and ~~that which~~ was prepared
25 exclusively for civil or criminal litigation or for
26 adversarial administrative proceedings, or ~~that which~~ was
27 prepared in anticipation of imminent civil or criminal
28 litigation or imminent adversarial administrative proceedings,
29 is exempt from s. 119.07(1) ~~the provisions of subsection (1)~~
30 and s. 24(a), Art. I of the State Constitution until the
31 conclusion of the litigation or adversarial administrative

1 proceedings. For purposes of capital collateral litigation as
2 set forth in s. 27.7001, the Attorney General's office is
3 entitled to claim this exemption for those public records
4 prepared for direct appeal as well as for all capital
5 collateral litigation after direct appeal until execution of
6 sentence or imposition of a life sentence.

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

19 Section 7. Paragraph (ii) of subsection (6) of section
20 119.07, Florida Statutes, is transferred and 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 ADMINISTRATION.--

26 ~~(e)(ii)~~ Any videotape or video signal that, under an
27 agreement with an agency, is produced, made, or received by,
28 or is in the custody of, a federally licensed radio or
29 television station or its agent is exempt from s. 119.07(1)
30 ~~this chapter~~.

1 Section 8. Paragraph (o) of subsection (6) of section
2 119.07, Florida Statutes, is transferred, redesignated as
3 paragraph (f) of subsection (1) of section 119.071, Florida
4 Statutes, and amended to read:

5 119.071 General exemptions from inspection or copying
6 of public records.--

7 (1) AGENCY ADMINISTRATION.--

8 ~~(f)(o)~~ Data processing software obtained by an agency
9 under a licensing agreement that ~~which~~ prohibits its
10 disclosure and which software is a trade secret, as defined in
11 s. 812.081, and agency-produced data processing software that
12 ~~which~~ is sensitive are exempt from s. 119.07(1) ~~the provisions~~
13 ~~of subsection (1)~~ and s. 24(a), Art. I of the State
14 Constitution. The designation of agency-produced software as
15 sensitive shall not prohibit an agency head from sharing or
16 exchanging such software with another public agency.

17 Section 9. Paragraph (h) of subsection (6) of section
18 119.07, Florida Statutes, is transferred, redesignated as
19 paragraph (a) of subsection (2) of section 119.071, Florida
20 Statutes, and amended to read:

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

23 (2) AGENCY INVESTIGATIONS.--

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

29 Section 10. Section 119.072, Florida Statutes, is
30 transferred, redesignated as paragraph (b) of subsection (2)
31 of section 119.071, Florida Statutes, and amended to read:

1 119.071 General exemptions from inspection or copying
2 of public records.--

3 (2) AGENCY INVESTIGATIONS.--

4 **(b)** ~~119.072 Criminal intelligence or investigative~~
5 ~~information obtained from out of state agencies.~~ Whenever
6 criminal intelligence information or criminal investigative
7 information held by a non-Florida criminal justice agency is
8 available to a Florida criminal justice agency only on a
9 confidential or similarly restricted basis, the Florida
10 criminal justice agency may obtain and use such information in
11 accordance with the conditions imposed by the providing
12 agency.

13 Section 11. Paragraph (b) of subsection (6) of section
14 119.07, Florida Statutes, is transferred, redesignated as
15 paragraph (c) of subsection (2) of section 119.071, Florida
16 Statutes, and amended to read:

17 119.071 General exemptions from inspection or copying
18 of public records.--

19 (2) AGENCY INVESTIGATIONS.--

20 **(c)**~~(b)~~1. Active criminal intelligence information and
21 active criminal investigative information are exempt from s.
22 ~~119.07(1) the provisions of subsection (1)~~ and s. 24(a), Art.
23 I of the State Constitution.

24 2. A request of a law enforcement agency to inspect or
25 copy a public record that is in the custody of another agency,
26 the custodian's response to the request, and any information
27 that would identify the public record that was requested by
28 the law enforcement agency or provided by the custodian are
29 exempt from s. 119.07(1) the requirements of subsection (1)
30 and s. 24(a), Art. I of the State Constitution, during the
31 period in which the information constitutes criminal

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

15 Section 12. Paragraph (d) of subsection (6) of section
16 119.07, Florida Statutes, is transferred, redesignated as
17 paragraph (d) of subsection (2) of section 119.071, Florida
18 Statutes, and amended to read:

19 119.071 General exemptions from inspection or copying
20 of public records.--

21 (2) AGENCY INVESTIGATIONS.--

22 (d) Any information revealing surveillance techniques
23 or procedures or personnel is exempt from s. 119.07(1) ~~the~~
24 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
25 Constitution. Any comprehensive inventory of state and local
26 law enforcement resources compiled pursuant to part I, chapter
27 23, and any comprehensive policies or plans compiled by a
28 criminal justice agency pertaining to the mobilization,
29 deployment, or tactical operations involved in responding to
30 emergencies, as defined in s. 252.34(3), are exempt from s.
31 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.

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

7 Section 13. Paragraph (k) of subsection (6) of section
8 119.07, Florida Statutes, is transferred, redesignated as
9 paragraph (e) of subsection (2) 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 (2) AGENCY INVESTIGATIONS.--

14 (e)~~(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 (1)~~ 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 Section 14. Paragraph (c) of subsection (6) of section
21 119.07, Florida Statutes, is transferred, redesignated as
22 paragraph (f) of subsection (2) 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 (2) AGENCY INVESTIGATIONS.--

27 (f)~~(c)~~ Any information revealing the identity of a
28 confidential informant or a confidential source is exempt from
29 s. 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a),
30 Art. I of the State Constitution.

31

1 Section 15. Paragraph (u) of subsection (6) of section
2 119.07, Florida Statutes, is transferred, redesignated as
3 paragraph (g) of subsection (2) of section 119.071, Florida
4 Statutes, and amended to read:

5 119.071 General exemptions from inspection or copying
6 of public records.--

7 (2) AGENCY INVESTIGATIONS.--

8 ~~(g)(u)~~ When ~~where~~ the alleged victim chooses not to
9 file a complaint and requests that records of the complaint
10 remain confidential, all records relating to an allegation of
11 employment discrimination are confidential and exempt from s.
12 ~~119.07(1) the provisions of subsection (1)~~ and s. 24(a), Art.
13 I of the State Constitution.

14 Section 16. Paragraphs (f) and (g) of subsection (6)
15 of section 119.07, Florida Statutes, are transferred,
16 redesignated as paragraphs (h) and (i), respectively, of
17 subsection (2) of section 119.071, Florida Statutes, and
18 amended to read:

19 119.071 General exemptions from inspection or copying
20 of public records.--

21 (2) AGENCY INVESTIGATIONS.--

22 ~~(h)(f)~~1. Any criminal intelligence information or
23 criminal investigative information including the photograph,
24 name, address, or other fact or information which reveals the
25 identity of the victim of the crime of sexual battery as
26 defined in chapter 794; the identity of the victim of a lewd
27 or lascivious offense committed upon or in the presence of a
28 person less than 16 years of age, as defined in chapter 800;
29 or the identity of the victim of the crime of child abuse as
30 defined by chapter 827 and any criminal intelligence
31 information or criminal investigative information or other

1 criminal record, including those portions of court records and
2 court proceedings, which may reveal the identity of a person
3 who is a victim of any sexual offense, including a sexual
4 offense proscribed in chapter 794, chapter 800, or chapter
5 827, is exempt from s. 119.07(1) ~~the provisions of subsection~~
6 ~~(1)~~ and s. 24(a), Art. I of the State Constitution.

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

19 ~~(i)(g)~~ Any criminal intelligence information or
20 criminal investigative information that ~~which~~ reveals the
21 personal assets of the victim of a crime, other than property
22 stolen or destroyed during the commission of the crime, is
23 exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ and
24 s. 24(a), Art. I of the State Constitution.

25 Section 17. Paragraph (s) of subsection (6) of section
26 119.07, Florida Statutes, is transferred, redesignated as
27 paragraph (j) of subsection (2) of section 119.071, Florida
28 Statutes, and amended to read:

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

31 (2) AGENCY INVESTIGATIONS.--

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

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

1 or employment address; the name of the minor's school, church,
2 or place of employment; or the personal assets of the minor;
3 and which identifies that minor as the victim of a crime
4 described in this subparagraph, held by a law enforcement
5 agency, is confidential and exempt from s. 119.07(1)
6 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
7 Any governmental agency that is authorized to have access to
8 such statements by any provision of law shall be granted such
9 access in the furtherance of the agency's statutory duties,
10 notwithstanding the provisions of this section.

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

25 Section 18. Present section 119.071, Florida Statutes,
26 is redesignated as paragraph (a) of subsection (3) of that
27 section and amended to read:

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

30 (3) SECURITY.--

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

1 ~~1.(1)~~ Any property owned by or leased to the state or
2 any of its political subdivisions; or
3 ~~2.(2)~~ Any privately owned or leased property
4
5 which plan or portion thereof is held by any agency, ~~as~~
6 ~~defined in s. 119.011~~, is confidential and exempt from ~~the~~
7 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
8 Constitution. As used in this paragraph ~~section~~, the term a
9 "security system plan" includes all records, information,
10 photographs, audio and visual presentations, schematic
11 diagrams, surveys, recommendations, or consultations or
12 portions thereof relating directly to the physical security of
13 the facility or revealing security systems; threat assessments
14 conducted by any agency ~~as defined in s. 119.011~~ or any
15 private entity; threat response plans; emergency evacuation
16 plans; sheltering arrangements; or manuals for security
17 personnel, emergency equipment, or security training. This
18 exemption is remedial in nature and it is the intent of the
19 Legislature that this exemption be applied to security system
20 plans held by an agency before, on, or after the effective
21 date of this paragraph ~~section~~. Information made confidential
22 and exempt by this paragraph ~~section~~ may be disclosed by the
23 custodial agency to the property owner or leaseholder; or such
24 information may be disclosed by the custodial agency to
25 another state or federal agency to prevent, detect, guard
26 against, respond to, investigate, or manage the consequences
27 of any attempted or actual act of terrorism, or to prosecute
28 those persons who are responsible for such attempts or acts,
29 and the confidential and exempt status of such information
30 shall be retained while in the possession of the receiving
31 agency. This paragraph ~~section~~ is subject to the Open

1 Government Sunset Review Act ~~of 1995~~, in accordance with s.
2 119.15~~7~~ and shall stand repealed on October 2, 2006, unless
3 reviewed and saved from repeal through reenactment by the
4 Legislature.

5 Section 19. Paragraphs (ee) and (ff) of subsection (6)
6 of section 119.07, Florida Statutes, are transferred,
7 redesignated as paragraphs (b) and (c), respectively, of
8 subsection (3) of section 119.071, Florida Statutes, and
9 amended to read:

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

12 (3) SECURITY.--

13 (b)(ee) Building plans, blueprints, schematic
14 drawings, and diagrams, including draft, preliminary, and
15 final formats, which depict the internal layout and structural
16 elements of a building, arena, stadium, water treatment
17 facility, or other structure owned or operated by an agency ~~as~~
18 ~~defined in s. 119.011~~ are exempt from s. 119.07(1) ~~the~~
19 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
20 Constitution. This exemption applies to building plans,
21 blueprints, schematic drawings, and diagrams, including draft,
22 preliminary, and final formats, which depict the internal
23 layout and structural elements of a building, arena, stadium,
24 water treatment facility, or other structure owned or operated
25 by an agency before, on, or after the effective date of this
26 act. Information made exempt by this paragraph may be
27 disclosed to another governmental entity if disclosure is
28 necessary for the receiving entity to perform its duties and
29 responsibilities; to a licensed architect, engineer, or
30 contractor who is performing work on or related to the
31 building, arena, stadium, water treatment facility, or other

1 structure owned or operated by an agency; or upon a showing of
2 good cause before a court of competent jurisdiction. The
3 entities or persons receiving such information shall maintain
4 the exempt status of the information. This paragraph is
5 subject to the Open Government Sunset Review Act ~~of 1995~~ in
6 accordance with s. 119.15~~7~~ and shall stand repealed on October
7 2, 2007, unless reviewed and reenacted by the Legislature.

8 (c)~~(ff)~~ Building plans, blueprints, schematic
9 drawings, and diagrams, including draft, preliminary, and
10 final formats, which depict the internal layout or structural
11 elements of an attractions and recreation facility,
12 entertainment or resort complex, industrial complex, retail
13 and service development, office development, or hotel or motel
14 development, which documents are held by an agency ~~as defined~~
15 ~~in s. 119.011~~, are exempt from s. 119.07(1) ~~the provisions of~~
16 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
17 This exemption applies to any such documents held ~~either~~
18 ~~permanently or temporarily~~ by an agency before, on, or after
19 the effective date of this act. Information made exempt by
20 this paragraph may be disclosed to another governmental entity
21 if disclosure is necessary for the receiving entity to perform
22 its duties and responsibilities; to the owner or owners of the
23 structure in question or the owner's legal representative; or
24 upon a showing of good cause before a court of competent
25 jurisdiction. As used in this paragraph, the term:

26 1. "Attractions and recreation facility" means any
27 sports, entertainment, amusement, or recreation facility,
28 including, but not limited to, a sports arena, stadium,
29 racetrack, tourist attraction, amusement park, or pari-mutuel
30 facility that:

31 a. For single-performance facilities:

- 1 (I) Provides single-performance facilities; or
2 (II) Provides more than 10,000 permanent seats for
3 spectators.
- 4 b. For serial-performance facilities:
- 5 (I) Provides parking spaces for more than 1,000 motor
6 vehicles; or
7 (II) Provides more than 4,000 permanent seats for
8 spectators.
- 9 2. "Entertainment or resort complex" means a theme
10 park comprised of at least 25 acres of land with permanent
11 exhibitions and a variety of recreational activities, which
12 has at least 1 million visitors annually who pay admission
13 fees thereto, together with any lodging, dining, and
14 recreational facilities located adjacent to, contiguous to, or
15 in close proximity to the theme park, as long as the owners or
16 operators of the theme park, or a parent or related company or
17 subsidiary thereof, has an equity interest in the lodging,
18 dining, or recreational facilities or is in privity therewith.
19 Close proximity includes an area within a 5-mile radius of the
20 theme park complex.
- 21 3. "Industrial complex" means any industrial,
22 manufacturing, processing, distribution, warehousing, or
23 wholesale facility or plant, as well as accessory uses and
24 structures, under common ownership which:
- 25 a. Provides onsite parking for more than 250 motor
26 vehicles;
27 b. Encompasses 500,000 square feet or more of gross
28 floor area; or
29 c. Occupies a site of 100 acres or more, but excluding
30 wholesale facilities or plants that primarily serve or deal
31 onsite with the general public.

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

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

8 b. Provides parking spaces for more than 2,500 motor
9 vehicles.

10 5. "Office development" means any office building or
11 park operated under common ownership, development plan, or
12 management that encompasses 300,000 or more square feet of
13 gross floor area.

14 6. "Hotel or motel development" means any hotel or
15 motel development that accommodates 350 or more units.

16
17 This exemption does not apply to comprehensive plans or site
18 plans, or amendments thereto, which are submitted for approval
19 or which have been approved under local land development
20 regulations, local zoning regulations, or
21 development-of-regional-impact review.

22 Section 20. Paragraph (x) of subsection (6) of section
23 119.07, Florida Statutes, is transferred, redesignated as
24 paragraph (a) of subsection (4) of section 119.071, Florida
25 Statutes, and amended to read:

26 119.071 General exemptions from inspection or copying
27 of public records.--

28 (4) AGENCY PERSONNEL INFORMATION.--

29 (a)~~(x)~~1. The social security numbers of all current
30 and former agency employees which numbers are contained in
31 agency employment records are exempt from s. 119.07(1)

1 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
2 ~~As used in this paragraph, the term "agency" means an agency~~
3 ~~as defined in s. 119.011.~~

4 2. An agency that is the custodian of a social
5 security number specified in subparagraph 1. and that is not
6 the employing agency shall maintain the exempt status of the
7 social security number only if the employee or the employing
8 agency of the employee submits a written request for
9 confidentiality to the custodial agency. However, upon a
10 request by a commercial entity as provided in subparagraph
11 (5)(a)5. ~~s. 119.0721~~, the custodial agency shall release the
12 last four digits of the exempt social security number, except
13 that a social security number provided in a lien filed with
14 the Department of State shall be released in its entirety.
15 This subparagraph is subject to the Open Government Sunset
16 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall
17 stand repealed on October 2, 2009, unless reviewed and saved
18 from repeal through reenactment by the Legislature.

19 Section 21. Paragraph (v) of subsection (6) of section
20 119.07, Florida Statutes, is transferred, redesignated as
21 paragraph (b) of subsection (4) 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 (4) AGENCY PERSONNEL INFORMATION.--

26 (b)(v) Medical information pertaining to a
27 prospective, current, or former officer or employee of an
28 agency which, if disclosed, would identify that officer or
29 employee is exempt from s. 119.07(1) ~~the provisions of~~
30 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.
31 However, such information may be disclosed if the person to

1 | whom the information pertains or the person's legal
2 | representative provides written permission or pursuant to
3 | court order.

4 | Section 22. Paragraph (e) of subsection (6) of section
5 | 119.07, Florida Statutes, is transferred, redesignated as
6 | paragraph (c) of subsection (4) of section 119.071, Florida
7 | Statutes, and amended to read:

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

10 | (4) AGENCY PERSONNEL INFORMATION.--

11 | ~~(c)(e)~~ Any information revealing undercover personnel
12 | of any criminal justice agency is exempt from s. 119.07(1) ~~the~~
13 | ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
14 | Constitution.

15 | Section 23. Paragraph (i) of subsection (6) of section
16 | 119.07, Florida Statutes, is transferred, redesignated as
17 | paragraph (d) of subsection (4) of section 119.071, Florida
18 | Statutes, and amended to read:

19 | 119.071 General exemptions from inspection or copying
20 | of public records.--

21 | (4) AGENCY PERSONNEL INFORMATION.--

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

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

1 prosecutors are exempt from s. 119.07(1) ~~subsection (1)~~ and s.
2 24(a), Art. I of the State Constitution.

3 2. The home addresses, telephone numbers, social
4 security numbers, and photographs of current or former human
5 resource, labor relations, or employee relations directors,
6 assistant directors, managers, or assistant managers of any
7 local government agency or water management district whose
8 duties include hiring and firing employees, labor contract
9 negotiation, administration, or other personnel-related
10 duties; the names, home addresses, telephone numbers, social
11 security numbers, photographs, and places of employment of the
12 spouses and children of such personnel; and the names and
13 locations of schools and day care facilities attended by the
14 children of such personnel are exempt from s. 119.07(1)
15 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.

16 This subparagraph is subject to the Open Government Sunset
17 Review Act ~~of 1995~~ in accordance with s. 119.15~~7~~ and shall
18 stand repealed on October 2, 2006, unless reviewed and saved
19 from repeal through reenactment by the Legislature.

20 3. The home addresses, telephone numbers, social
21 security numbers, and photographs of current or former United
22 States attorneys and assistant United States attorneys; the
23 home addresses, telephone numbers, social security numbers,
24 photographs, and places of employment of the spouses and
25 children of current or former United States attorneys and
26 assistant United States attorneys; and the names and locations
27 of schools and day care facilities attended by the children of
28 current or former United States attorneys and assistant United
29 States attorneys are exempt from s. 119.07(1) ~~subsection (1)~~
30 and s. 24(a), Art. I of the State Constitution. 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 on October 2, 2009, unless reviewed and saved from
3 repeal through reenactment by the Legislature.

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

22 5. The home addresses, telephone numbers, social
23 security numbers, and photographs of current or former code
24 enforcement officers; the names, home addresses, telephone
25 numbers, social security numbers, photographs, and places of
26 employment of the spouses and children of such persons; and
27 the names and locations of schools and day care facilities
28 attended by the children of such persons are exempt from s.
29 119.07(1) ~~subsection (1)~~ and s. 24(a), Art. I of the State
30 Constitution. This subparagraph is subject to the Open
31 Government Sunset Review Act ~~of 1995~~ in accordance with s.

1 119.15~~7~~ and shall stand repealed on October 2, 2006, unless
2 reviewed and saved from repeal through reenactment by the
3 Legislature.

4 6. An agency that is the custodian of the personal
5 information specified in subparagraph 1., subparagraph 2.,
6 subparagraph 3., subparagraph 4., or subparagraph 5.~~7~~ and that
7 is not the employer of the officer, employee, justice, judge,
8 or other person specified in subparagraph 1., subparagraph 2.,
9 subparagraph 3., subparagraph 4., or subparagraph 5.~~7~~ shall
10 maintain the exempt status of the personal information only if
11 the officer, employee, justice, judge, other person, or
12 employing agency of the designated employee submits a written
13 request for maintenance of the exemption to the custodial
14 agency.

15 Section 24. Subsections (1) through (11) of section
16 119.0721, and paragraph (gg) of subsection (6) of section
17 119.07, Florida Statutes, are transferred, redesignated as
18 paragraph (a) of subsection (5) 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 ~~(5) OTHER PERSONAL INFORMATION.--~~

23 (a)1. The Legislature acknowledges that the social
24 security number was never intended to be used for business
25 purposes but was intended to be used solely for the
26 administration of the federal Social Security System. The
27 Legislature is further aware that over time this unique
28 numeric identifier has been used extensively for identity
29 verification purposes and other legitimate consensual
30 purposes. The Legislature is also cognizant of the fact that
31 the social security number can be used as a tool to perpetuate

1 fraud against a person and to acquire sensitive personal,
2 financial, medical, and familial information, the release of
3 which could cause great financial or personal harm to an
4 individual. The Legislature intends to monitor the commercial
5 use of social security numbers held by state agencies in order
6 to maintain a balanced public policy.

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

31

1 unwarranted, the agency shall immediately discontinue the
2 collection of social security numbers for that purpose.

3 ~~3.(1)~~ Effective October 1, 2002, all social security
4 numbers held by an agency ~~or its agents, employees, or~~
5 ~~contractors~~ are confidential and exempt from s. 119.07(1) and
6 s. 24(a), Art. I of the State Constitution. This exemption
7 applies to all social security numbers held by an agency ~~and~~
8 ~~its agents, employees, or contractors~~ before, on, or after the
9 effective date of this exemption.

10 ~~4.(2)~~ Social security numbers may be disclosed to
11 another governmental entity or its agents, employees, or
12 contractors if disclosure is necessary for the receiving
13 entity to perform its duties and responsibilities. The
14 receiving governmental entity and its agents, employees, and
15 contractors shall maintain the confidential and exempt status
16 of such numbers.

17 ~~5.(3)~~ An agency shall not deny a commercial entity
18 engaged in the performance of a commercial activity as defined
19 in s. 14.203 or its agents, employees, or contractors access
20 to social security numbers, provided the social security
21 numbers will be used only in the normal course of business for
22 legitimate business purposes, and provided the commercial
23 entity makes a written request for social security numbers,
24 verified as provided in s. 92.525, legibly signed by an
25 authorized officer, employee, or agent of the commercial
26 entity. The verified written request must contain the
27 commercial entity's name, business mailing and location
28 addresses, business telephone number, and a statement of the
29 specific purposes for which it needs the social security
30 numbers and how the social security numbers will be used in
31 the normal course of business for legitimate business

1 purposes. The aggregate of these requests shall serve as the
2 basis for the agency report required in subparagraph 8.
3 ~~subsection (7).~~ An agency may request any other information
4 ~~as may be~~ reasonably necessary to verify the identity of the
5 entity requesting the social security numbers and the specific
6 purposes for which such numbers will be used; however, an
7 agency has no duty to inquire beyond the information contained
8 in the verified written request. A legitimate business purpose
9 includes verification of the accuracy of personal information
10 received by a commercial entity in the normal course of its
11 business; use in a civil, criminal, or administrative
12 proceeding; use for insurance purposes; use in law enforcement
13 and investigation of crimes; use in identifying and preventing
14 fraud; use in matching, verifying, or retrieving information;
15 and use in research activities. A legitimate business purpose
16 does not include the display or bulk sale of social security
17 numbers to the general public or the distribution of such
18 numbers to any customer that is not identifiable by the
19 distributor.

20 6.(4) Any person who makes a false representation in
21 order to obtain a social security number pursuant to this
22 paragraph section, or any person who willfully and knowingly
23 violates ~~the provisions of this paragraph section~~, commits a
24 felony of the third degree, punishable as provided in s.
25 775.082 or s. 775.083. Any public officer who violates ~~any~~
26 ~~provision of this paragraph section~~ is guilty of a noncriminal
27 infraction, punishable by a fine not exceeding \$500. A
28 commercial entity that provides access to public records
29 containing social security numbers in accordance with this
30 paragraph section is not subject to the penalty provisions of
31 this subparagraph subsection.

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

11 ~~b.(b)~~ Any person, or his or her attorney or legal
12 guardian, has the right to request that a county recorder
13 remove, from an image or copy of an official record placed on
14 a county recorder's publicly available Internet website or a
15 publicly available Internet website used by a county recorder
16 to display public records or otherwise made electronically
17 available to the general public by such recorder, his or her
18 social security number contained in that official
19 record. Such request must be made in writing, legibly signed
20 by the requester and delivered by mail, facsimile, or
21 electronic transmission, or delivered in person, to the county
22 recorder. The request must specify the identification page
23 number that contains the social security number to be
24 redacted. The county recorder has ~~shall have~~ no duty to
25 inquire beyond the written request to verify the identity of a
26 person requesting redaction. ~~A No~~ fee shall not ~~will~~ be
27 charged for the redaction of a social security number pursuant
28 to such request.

29 ~~c.(c)~~ A county recorder shall immediately and
30 conspicuously post signs throughout his or her offices for
31 public viewing and ~~+~~ shall immediately and conspicuously post a

1 notice on any Internet website or remote electronic site made
2 available by the county recorder and used for the ordering or
3 display of official records or images or copies of official
4 records; ~~and shall, prior to October 1, 2002, publish on two~~
5 ~~separate dates in a newspaper of general circulation in the~~
6 ~~county where the county recorder's office is located as~~
7 ~~provided for in chapter 50,~~ a notice, stating, in
8 substantially similar form, the following:

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

13 (II)2. Any person has a right to request a county
14 recorder to remove, from an image or copy of an official
15 record placed on a county recorder's publicly available
16 Internet website or on a publicly available Internet website
17 used by a county recorder to display public records or
18 otherwise made electronically available to the general public,
19 any social security number contained in an official
20 record. Such request must be made in writing and delivered by
21 mail, facsimile, or electronic transmission, or delivered in
22 person, to the county recorder. The request must specify the
23 identification page number that contains the social security
24 number to be redacted. No fee will be charged for the
25 redaction of a social security number pursuant to such a
26 request.

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

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

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

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

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

18 ~~g.4.~~ On January 1, 2006, and thereafter, the clerk of
19 the circuit court and the county recorder must keep complete
20 bank account, debit, charge, and credit card numbers exempt as
21 provided for in paragraph(5)(b)(~~dd~~), and must keep social
22 security numbers confidential and exempt as provided for in
23 subparagraph (a)3. ~~s. 119.0721,~~ without any person having to
24 request redaction.

25 ~~8.(6)~~ Beginning January 31, 2004, and each January 31
26 thereafter, every agency must file a report with the Secretary
27 of State, the President of the Senate, and the Speaker of the
28 House of Representatives listing the identity of all
29 commercial entities that have requested social security
30 numbers during the preceding calendar year and the specific
31 purpose or purposes stated by each commercial entity regarding

1 its need for social security numbers. If no disclosure
2 requests were made, the agency shall so indicate.

3 ~~(7) The Legislature acknowledges that the social~~
4 ~~security number was never intended to be used for business~~
5 ~~purposes but was intended to be used solely for the~~
6 ~~administration of the federal Social Security System. The~~
7 ~~Legislature is further aware that over time this unique~~
8 ~~numeric identifier has been used extensively for identity~~
9 ~~verification purposes and other legitimate consensual~~
10 ~~purposes. The Legislature is also cognizant of the fact that~~
11 ~~the social security number can be used as a tool to perpetuate~~
12 ~~fraud against a person and to acquire sensitive personal,~~
13 ~~financial, medical, and familial information, the release of~~
14 ~~which could cause great financial or personal harm to an~~
15 ~~individual. The Legislature intends to monitor the commercial~~
16 ~~use of social security numbers held by state agencies in order~~
17 ~~to maintain a balanced public policy.~~

18 ~~(8) An agency shall not collect an individual's social~~
19 ~~security number unless authorized by law to do so or unless~~
20 ~~the collection of the social security number is otherwise~~
21 ~~imperative for the performance of that agency's duties and~~
22 ~~responsibilities as prescribed by law. Social security numbers~~
23 ~~collected by an agency must be relevant to the purpose for~~
24 ~~which collected and shall not be collected until and unless~~
25 ~~the need for social security numbers has been clearly~~
26 ~~documented. An agency that collects social security numbers~~
27 ~~shall also segregate that number on a separate page from the~~
28 ~~rest of the record, or as otherwise appropriate, in order that~~
29 ~~the social security number be more easily redacted, if~~
30 ~~required, pursuant to a public records request. An agency~~
31 ~~collecting a person's social security number shall, upon that~~

1 ~~person's request, at the time of or prior to the actual~~
2 ~~collection of the social security number by that agency,~~
3 ~~provide that person with a statement of the purpose or~~
4 ~~purposes for which the social security number is being~~
5 ~~collected and used. Social security numbers collected by an~~
6 ~~agency shall not be used by that agency for any purpose other~~
7 ~~than the purpose stated. Social security numbers collected by~~
8 ~~an agency prior to May 13, 2002, shall be reviewed for~~
9 ~~compliance with this subsection. If the collection of a social~~
10 ~~security number prior to May 13, 2002, is found to be~~
11 ~~unwarranted, the agency shall immediately discontinue the~~
12 ~~collection of social security numbers for that purpose.~~

13 9.(9) Any affected person may petition the circuit
14 court for an order directing compliance with this paragraph
15 section.

16 10.(10) ~~The provisions of This paragraph does section~~
17 ~~do~~ not supersede any other applicable public records
18 exemptions existing prior to May 13, 2002, or created
19 thereafter.

20 11.(11) This paragraph section is subject to the Open
21 Government Sunset Review Act ~~of 1995~~ in accordance with s.
22 119.15~~7~~, and shall stand repealed October 2, 2007, unless
23 reviewed and saved from repeal through reenactment by the
24 Legislature.

25 Section 25. Paragraph (dd) of subsection (6) of
26 section 119.07, Florida Statutes, is transferred, redesignated
27 as paragraph (b) of subsection (5) of section 119.071, Florida
28 Statutes, and amended to read:

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

31 (5) OTHER PERSONAL INFORMATION.--

1 **(b)**~~(dd)~~ Bank account numbers and debit, charge, and
2 credit card numbers held by an agency are exempt from s.
3 119.07(1) ~~subsection (1)~~ and s. 24(a), Art. I of the State
4 Constitution. This exemption applies to bank account numbers
5 and debit, charge, and credit card numbers held by an agency
6 before, on, or after the effective date of this exemption.
7 This paragraph is subject to the Open Government Sunset Review
8 Act ~~of 1995~~ in accordance with s. 119.15~~7~~ and shall stand
9 repealed on October 2, 2007, unless reviewed and saved from
10 repeal through reenactment by the Legislature.

11 Section 26. Paragraph (jj) of subsection (6) of
12 section 119.07, Florida Statutes, is transferred, redesignated
13 as paragraph (c) of subsection (5) of section 119.071, Florida
14 Statutes, and amended to read:

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

17 **(5) OTHER PERSONAL INFORMATION.--**

18 **(c)**~~(jj)~~ Any information that would identify or help to
19 locate a child who participates in government-sponsored
20 recreation programs or camps or the parents or guardians of
21 such child, including, but not limited to, the name, home
22 address, telephone number, social security number, or
23 photograph of the child; the names and locations of schools
24 attended by such child; and the names, home addresses, and
25 social security numbers of parents or guardians of such child
26 is exempt from s. 119.07(1) ~~subsection (1)~~ and s. 24(a), Art.
27 I of the State Constitution. Information made exempt pursuant
28 to this paragraph may be disclosed by court order upon a
29 showing of good cause. This exemption applies to records held
30 before, on, or after the effective date of this exemption.

31

1 Section 27. Paragraph (r) of subsection (6) of section
2 119.07, Florida Statutes, is transferred, redesignated as
3 paragraph (d) of subsection (5) of section 119.071, Florida
4 Statutes, and amended to read:

5 119.071 General exemptions from inspection or copying
6 of public records.--

7 (5) OTHER PERSONAL INFORMATION.--

8 ~~(d)(r)~~ All records supplied by a telecommunications
9 company, as defined by s. 364.02, to an ~~a state or local~~
10 ~~governmental~~ agency which contain the name, address, and
11 telephone number of subscribers are confidential and exempt
12 from s. 119.07(1) ~~the provisions of subsection (1)~~ and s.
13 24(a), Art. I of the State Constitution.

14 Section 28. Paragraph (j) of subsection (6) of section
15 119.07, Florida Statutes, is transferred, redesignated as
16 paragraph (e) of subsection (5) of section 119.071, Florida
17 Statutes, and amended to read:

18 119.071 General exemptions from inspection or copying
19 of public records.--

20 (5) OTHER PERSONAL INFORMATION.--

21 ~~(e)(j)~~ Any information provided to an agency ~~of state~~
22 ~~government or to an agency of a political subdivision of the~~
23 ~~state~~ for the purpose of forming ridesharing arrangements,
24 which information reveals the identity of an individual who
25 has provided his or her name for ridesharing, as defined in s.
26 341.031, is exempt from s. 119.07(1) ~~the provisions of~~
27 ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution.

28 Section 29. Paragraph (bb) of subsection (6) of
29 section 119.07, Florida Statutes, is transferred, redesignated
30 as paragraph (f) of subsection (5) of section 119.071, Florida
31 Statutes, and amended to read:

1 119.071 General exemptions from inspection or copying
2 of public records.--

3 (5) OTHER PERSONAL INFORMATION.--

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

19 Section 30. Paragraph (q) of subsection (6) of section
20 119.07, Florida Statutes, is transferred, redesignated as
21 subsection (1) of section 119.0711, Florida Statutes, and
22 amended to read:

23 119.0711 Executive branch agency exemptions from
24 inspection or copying of public records.--

25 ~~(1)(q)~~ All complaints and other records in the custody
26 of any agency in the executive branch of state government
27 which relate to a complaint of discrimination relating to
28 race, color, religion, sex, national origin, age, handicap, or
29 marital status in connection with hiring practices, position
30 classifications, salary, benefits, discipline, discharge,
31 employee performance, evaluation, or other related activities

1 are exempt from s. 119.07(1) ~~the provisions of subsection (1)~~
2 and s. 24(a), Art. I of the State Constitution until a finding
3 is made relating to probable cause, the investigation of the
4 complaint becomes inactive, or the complaint or other record
5 is made part of the official record of any hearing or court
6 proceeding. This provision shall not affect any function or
7 activity of the Florida Commission on Human Relations. Any
8 state or federal agency that ~~which~~ is authorized to have
9 access to such complaints or records by any provision of law
10 shall be granted such access in the furtherance of such
11 agency's statutory duties, ~~notwithstanding the provisions of~~
12 ~~this section.~~

13 Section 31. Paragraph (n) of subsection (6) of section
14 119.07, Florida Statutes, is transferred, redesignated as
15 subsection (2) of section 119.0711, Florida Statutes, and
16 amended to read:

17 119.0711 Executive branch agency exemptions from
18 inspection or copying of public records.--

19 ~~(2)(n)~~ When an agency of the executive branch of state
20 government seeks to acquire real property by purchase or
21 through the exercise of the power of eminent domain all
22 appraisals, other reports relating to value, offers, and
23 counteroffers must be in writing and are exempt from s.
24 ~~119.07(1)~~ ~~the provisions of subsection (1)~~ and s. 24(a), Art.
25 I of the State Constitution until execution of a valid option
26 contract or a written offer to sell that has been
27 conditionally accepted by the agency, at which time the
28 exemption shall expire. The agency shall not finally accept
29 the offer for a period of 30 days in order to allow public
30 review of the transaction. The agency may give conditional
31 acceptance to any option or offer subject only to final

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

21 Section 32. Paragraph (cc) of subsection (6) of
22 section 119.07, Florida Statutes, is transferred, redesignated
23 as subsection (1) of section 119.0712, Florida Statutes, and
24 amended to read:

25 119.0712 Executive branch agency-specific exemptions
26 from inspection or copying of public records.--

27 (1)(cc) DEPARTMENT OF HEALTH.--All personal
28 identifying information; bank account numbers; and debit,
29 charge, and credit card numbers contained in records relating
30 to an individual's personal health or eligibility for
31 health-related services held ~~made or received~~ by the

1 Department of Health ~~or its service providers~~ are confidential
2 and exempt from s. 119.07(1) ~~the provisions of subsection (1)~~
3 and s. 24(a), Art. I of the State Constitution, except as
4 otherwise provided in this subsection ~~paragraph~~. Information
5 made confidential and exempt by this subsection ~~paragraph~~
6 shall be disclosed:

7 ~~(a)1-~~ With the express written consent of the
8 individual or the individual's legally authorized
9 representative.

10 ~~(b)2-~~ In a medical emergency, but only to the extent
11 necessary to protect the health or life of the individual.

12 ~~(c)3-~~ By court order upon a showing of good cause.

13 ~~(d)4-~~ To a health research entity, if the entity seeks
14 the records or data pursuant to a research protocol approved
15 by the department, maintains the records or data in accordance
16 with the approved protocol, and enters into a purchase and
17 data-use agreement with the department, the fee provisions of
18 which are consistent with s. 119.07(4) ~~subsection (4)~~. The
19 department may deny a request for records or data if the
20 protocol provides for intrusive follow-back contacts, has not
21 been approved by a human studies institutional review board,
22 does not plan for the destruction of confidential records
23 after the research is concluded, is administratively
24 burdensome, or does not have scientific merit. The agreement
25 must restrict the release of any information that, ~~which~~ would
26 permit the identification of persons, limit the use of records
27 or data to the approved research protocol, and prohibit any
28 other use of the records or data. Copies of records or data
29 issued pursuant to this paragraph ~~subparagraph~~ remain the
30 property of the department.

31

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

5 Section 33. Paragraph (aa) of subsection (6) of
6 section 119.07, Florida Statutes, is transferred, redesignated
7 as subsection (2) of section 119.0712, Florida Statutes, and
8 amended to read:

9 119.0712 Executive branch agency-specific exemptions
10 from inspection or copying of public records.--

11 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.--

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

30 (a)~~1-~~ For use in connection with matters of motor
31 vehicle or driver safety and theft; motor vehicle emissions;

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

9 | **(b)2-** For use by any government agency, including any
10 | court or law enforcement agency, in carrying out its
11 | functions, or any private person or entity acting on behalf of
12 | a federal, state, or local agency in carrying out its
13 | functions.

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

22 | **(d)4-** For use in the normal course of business by a
23 | legitimate business or its agents, employees, or contractors,
24 | but only:

25 | **1.a-** To verify the accuracy of personal information
26 | submitted by the individual to the business or its agents,
27 | employees, or contractors; and

28 | **2.b-** If such information as so submitted is not
29 | correct or is no longer correct, to obtain the correct
30 | information, but only for the purposes of preventing fraud by,
31 |

1 pursuing legal remedies against, or recovering on a debt or
2 security interest against, the individual.

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

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

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

14 3.e. Investigation by any person in connection with
15 any filed proceeding; however, the information may not be used
16 for mass commercial solicitation of clients for litigation
17 against motor vehicle dealers.

18 4.d. Execution or enforcement of judgments and orders.

19 5.e. Compliance with an order of any court.

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

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

29 (h)8. For use in providing notice to the owners of
30 towed or impounded vehicles.

31

1 ~~(i)9-~~ For use by any licensed private investigative
2 agency or licensed security service for any purpose permitted
3 under this subsection ~~paragraph~~. Personal information obtained
4 based on an exempt driver's record may not be provided to a
5 client who cannot demonstrate a need based on a police report,
6 court order, or ~~a~~ business or personal relationship with the
7 subject of the investigation.

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

12 ~~(k)11-~~ For use in connection with the operation of
13 private toll transportation facilities.

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

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

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

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

29
30 The restrictions on disclosure of personal information
31 provided by this subsection ~~paragraph~~ shall not in any way

1 affect the use of organ donation information on individual
2 driver licenses or ~~not~~ affect the administration of organ
3 donation initiatives in this state. Personal information
4 exempted from public disclosure according to this subsection
5 ~~paragraph~~ may be disclosed by the Department of Highway Safety
6 and Motor Vehicles to an individual, firm, corporation, or
7 similar business entity whose primary business interest is to
8 resell or redisclose the personal information to persons who
9 are authorized to receive such information. Prior to the
10 department's disclosure of personal information, such
11 individual, firm, corporation, or similar business entity must
12 first enter into a contract with the department regarding the
13 care, custody, and control of the personal information to
14 ensure compliance with the federal Driver's Privacy Protection
15 Act of 1994 and applicable state laws. An authorized recipient
16 of personal information contained in a motor vehicle record,
17 except a recipient under paragraph (1) ~~subparagraph 12.~~, may
18 contract with the Department of Highway Safety and Motor
19 Vehicles to resell or redisclose the information for any use
20 permitted under this section ~~paragraph~~. However, only
21 authorized recipients of personal information under paragraph
22 ~~(1) subparagraph 12.~~ may resell or redisclose personal
23 information pursuant to paragraph (1) ~~subparagraph 12.~~ Any
24 authorized recipient who resells or rediscloses personal
25 information shall maintain, for a period of 5 years, records
26 identifying each person or entity that receives the personal
27 information and the permitted purpose for which it will be
28 used. Such records shall be made available for inspection upon
29 request by the department. The department shall adopt rules to
30 carry out the purposes of this subsection ~~paragraph~~ and the
31 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.

1 2721 et seq. Rules adopted by the department shall provide for
2 the payment of applicable fees and, prior to the disclosure of
3 personal information pursuant to this subsection ~~paragraph~~,
4 shall require the meeting of conditions by the requesting
5 person for the purposes of obtaining reasonable assurance
6 concerning the identity of such requesting person, and, to the
7 extent required, assurance that the use will be only as
8 authorized or that the consent of the person who is the
9 subject of the personal information has been obtained. Such
10 conditions may include, but need not be limited to, the making
11 and filing of a written application in such form and
12 containing such information and certification requirements as
13 the department requires.

14 Section 34. Paragraph (p) of subsection (6) of section
15 119.07, Florida Statutes, is transferred, redesignated as
16 subsection (1) of section 119.0713, Florida Statutes, and
17 amended to read:

18 119.0713 Local government agency exemptions from
19 inspection or copying of public records.--

20 ~~(1)(p)~~ All complaints and other records in the custody
21 of any unit of local government which relate to a complaint of
22 discrimination relating to race, color, religion, sex,
23 national origin, age, handicap, marital status, sale or rental
24 of housing, the provision of brokerage services, or the
25 financing of housing are exempt from s. 119.07(1) ~~the~~
26 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
27 Constitution until a finding is made relating to probable
28 cause, the investigation of the complaint becomes inactive, or
29 the complaint or other record is made part of the official
30 record of any hearing or court proceeding. This provision
31 shall not affect any function or activity of the Florida

1 Commission on Human Relations. Any state or federal agency
2 ~~that which~~ is authorized to have access to such complaints or
3 records by any provision of law shall be granted such access
4 in the furtherance of such agency's statutory duties,
5 ~~notwithstanding the provisions of this section.~~ This
6 ~~subsection paragraph~~ shall not be construed to modify or
7 repeal any special or local act.

8 Section 35. Paragraph (hh) of subsection (6) of
9 section 119.07, Florida Statutes, is transferred, redesignated
10 as subsection (2) of section 119.0713, Florida Statutes, and
11 amended to read:

12 119.0713 Local government agency exemptions from
13 inspection or copying of public records.--

14 ~~(2)(hh)~~ All personal identifying information contained
15 in records relating to a person's health held by local
16 governmental entities ~~or their service providers~~ for the
17 purpose of determining eligibility for paratransit services
18 under Title II of the Americans with Disabilities Act or
19 eligibility for the transportation disadvantaged program as
20 provided in part I of chapter 427 is confidential and exempt
21 from ~~s. 119.07(1) the provisions of subsection (1)~~ and s.
22 24(a), Art. I of the State Constitution, except as otherwise
23 provided in this subsection herein. This exemption applies to
24 personal identifying information contained in such records
25 held by local governmental entities ~~or their service providers~~
26 before, on, or after the effective date of this exemption.
27 Information made confidential and exempt by this subsection
28 ~~paragraph~~ shall be disclosed:

29 ~~(a)1-~~ With the express written consent of the
30 individual or the individual's legally authorized
31 representative;

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

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

4 ~~(d)4-~~ For the purpose of determining eligibility for
5 paratransit services if the individual or the individual's
6 legally authorized representative has filed an appeal or
7 petition before an administrative body of a local government
8 or a court.

9 Section 36. Paragraphs (y) and (z) of subsection (6)
10 of section 119.07, Florida Statutes, are transferred,
11 redesignated as subsections (3) and (4), respectively, of
12 section 119.0713, Florida Statutes, and amended to read:

13 119.0713 Local government agency exemptions from
14 inspection or copying of public records.--

15 ~~(3)(y)~~ The audit report of an internal auditor
16 prepared for or on behalf of a unit of local government
17 becomes a public record when the audit becomes final. As used
18 in this ~~subsection paragraph~~, the term "unit of local
19 government" means a county, municipality, special district,
20 local agency, authority, consolidated city-county government,
21 or any other local governmental body or public body corporate
22 or politic authorized or created by general or special
23 law. An audit becomes final when the audit report is
24 presented to the unit of local government. Audit workpapers
25 and notes related to such audit report are confidential and
26 exempt from s. 119.07(1) ~~the provisions of subsection (1)~~ and
27 s. 24(a), Art. I of the State Constitution until the audit is
28 completed and the audit report becomes final.

29 ~~(4)(z)~~ Any data, record, or document used directly or
30 solely by a municipally owned utility to prepare and submit a
31 bid relative to the sale, distribution, or use of any service,

1 commodity, or tangible personal property to any customer or
2 prospective customer ~~is shall be~~ exempt from s. 119.07(1) ~~the~~
3 ~~provisions of subsection (1)~~ and s. 24(a), Art. I of the State
4 Constitution. This exemption commences when a municipal
5 utility identifies in writing a specific bid to which it
6 intends to respond. This exemption no longer applies when the
7 contract for sale, distribution, or use of the service,
8 commodity, or tangible personal property is executed, a
9 decision is made not to execute such contract, or the project
10 is no longer under active consideration. The exemption in this
11 ~~subsection~~ paragraph includes the bid documents actually
12 furnished in response to the request for bids. However, the
13 exemption for the bid documents submitted no longer applies
14 after the bids are opened by the customer or prospective
15 customer.

16 Section 37. Section 119.15, Florida Statutes, is
17 amended to read:

18 119.15 Legislative review of exemptions from public
19 meeting and public records requirements.--

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

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

28 (a) Is required by federal law; or

29 (b) Applies solely to the Legislature or the State
30 Court System. It is the intent of the Legislature that
31

1 ~~exemptions to ss. 119.07(1) and 286.011 shall be created or~~
2 ~~maintained only if:~~

3 ~~(a) The exempted record or meeting is of a sensitive,~~
4 ~~personal nature concerning individuals;~~

5 ~~(b) The exemption is necessary for the effective and~~
6 ~~efficient administration of a governmental program; or~~

7 ~~(c) The exemption affects confidential information~~
8 ~~concerning an entity.~~

9
10 ~~Thus, the maintenance or creation of an exemption must be~~
11 ~~compelled as measured by these criteria. Further, the~~
12 ~~Legislature finds that the public has a right to have access~~
13 ~~to executive branch governmental meetings and records unless~~
14 ~~the criteria in this section for restricting such access to a~~
15 ~~public meeting or public record are met and the criteria are~~
16 ~~considered during legislative review in connection with the~~
17 ~~particular exemption to be significant enough to override the~~
18 ~~strong public policy of open government. To strengthen the~~
19 ~~policy of open government, the Legislature shall consider the~~
20 ~~criteria in this section before enacting future exemptions.~~

21 ~~(3)(a)~~ In the 5th year after enactment of a new
22 exemption or substantial amendment of an existing exemption,
23 the exemption shall be repealed ~~repeal~~ on October 2nd of the
24 5th year, unless the Legislature acts to reenact the
25 exemption.

26 (4)(a) A law that enacts a new exemption or
27 substantially amends an existing exemption must state that the
28 record or meeting is:

29 1. Exempt from s. 24(a), Art. I of the State
30 Constitution;

31 2. Exempt from s. 119.07(1) or s. 286.011; and

1 ~~3. State that the exemption is~~ Repealed at the end of
2 5 years and that the exemption must be reviewed by the
3 Legislature before the scheduled repeal date.

4 (b) For purposes of this section, an exemption is
5 substantially amended if the amendment expands the scope of
6 the exemption to include more records or information or to
7 include meetings as well as records. An exemption is not
8 substantially amended if the amendment narrows the scope of
9 the exemption.

10 (c) This section is not intended to repeal an
11 exemption that has been amended following legislative review
12 before the scheduled repeal of the exemption if the exemption
13 is not substantially amended as a result of the review.

14 ~~(5)(d)~~ By June 1 in the year before the repeal of an
15 exemption under this section, the Division of Statutory
16 Revision of the Office of Legislative Services shall certify
17 to the President of the Senate and the Speaker of the House of
18 Representatives, ~~by June 1,~~ the language and statutory
19 citation of each exemption scheduled for repeal the following
20 year ~~which meets the criteria of an exemption as defined in~~
21 ~~this section.~~

22 **(b)** Any exemption that is not identified and certified
23 to the President of the Senate and the Speaker of the House of
24 Representatives is not subject to legislative review and
25 repeal under this section. If the division fails to certify
26 an exemption that it subsequently determines should have been
27 certified, it shall include the exemption in the following
28 year's certification after that determination.

29 ~~(c) The term "exemption" means a provision of the~~
30 ~~Florida Statutes which creates an exception to s. 119.07(1) or~~
31 ~~s. 286.011 and which applies to the executive branch of state~~

1 ~~government or to local government, but it does not include any~~
2 ~~provision of a special law or local law.~~

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

5 ~~(g) An exemption that applies solely to the~~
6 ~~Legislature or the State Court System is not subject to repeal~~
7 ~~under this section.~~

8 ~~(6)(4)(a) The Legislature shall review the exemption~~
9 ~~before its scheduled repeal and consider~~ As part of the review
10 process, the Legislature shall consider the following:

11 1. What specific records or meetings are affected by
12 the exemption?

13 2. Whom does the exemption uniquely affect, as opposed
14 to the general public?

15 3. What is the identifiable public purpose or goal of
16 the exemption?

17 4. Can the information contained in the records or
18 discussed in the meeting be readily obtained by alternative
19 means? If so, how?

20 5. Is the record or meeting protected by another
21 exemption?

22 6. Are there multiple exemptions for the same type of
23 record or meeting that it would be appropriate to merge?

24 (b) An exemption may be created, revised, or
25 maintained only if it serves an identifiable public purpose,
26 and the exemption may be no broader than is necessary to meet
27 the public purpose it serves. An identifiable public purpose
28 is served if the exemption meets one of the following purposes
29 and the Legislature finds that the purpose is sufficiently
30 compelling to override the strong public policy of open
31 government and cannot be accomplished without the exemption:

1 1. Allows the state or its political subdivisions to
2 effectively and efficiently administer a governmental program,
3 which administration would be significantly impaired without
4 the exemption;

5 2. Protects information of a sensitive personal nature
6 concerning individuals, the release of which information would
7 be defamatory to such individuals or cause unwarranted damage
8 to the good name or reputation of such individuals or would
9 jeopardize the safety of such individuals. However, in
10 exemptions under this subparagraph, only information that
11 would identify the individuals may be exempted; or

12 3. Protects information of a confidential nature
13 concerning entities, including, but not limited to, a formula,
14 pattern, device, combination of devices, or compilation of
15 information which is used to protect or further a business
16 advantage over those who do not know or use it, the disclosure
17 of which information would injure the affected entity in the
18 marketplace.

19 (7)(c) Records made before the date of a repeal of an
20 exemption under this section may not be made public unless
21 otherwise provided by law. In deciding whether the records
22 shall be made public, the Legislature shall consider whether
23 the damage or loss to persons or entities uniquely affected by
24 the exemption of the type specified in subparagraph(6)(b)2.
25 ~~(b)2.~~ or subparagraph(6)(b)3.~~(b)3.~~ would occur if the
26 records were made public.

27 ~~(d) An exemption that is created or revived and~~
28 ~~reenacted must contain uniform language that clearly states~~
29 ~~the section in the Florida Statutes from which it is exempt,~~
30 ~~s. 119.07(1) or s. 286.011. The uniform language must also~~
31 ~~provide for the maximum public access to the meetings and~~

1 ~~records as is consistent with the purpose of the~~
2 ~~exemption. An exemption that is created or substantially~~
3 ~~amended must state that the exemption is repealed at the end~~
4 ~~of 5 years and that the exemption must be reviewed by the~~
5 ~~Legislature before the scheduled date of repeal.~~

6 (8)(e) Notwithstanding s. 768.28 or any other law,
7 neither the state or its political subdivisions nor any other
8 public body shall be made party to any suit in any court or
9 incur any liability for the repeal or revival and reenactment
10 of an exemption under this section. The failure of the
11 Legislature to comply strictly with this section does not
12 invalidate an otherwise valid reenactment.

13 Section 38. Paragraph (w) of subsection (6) of section
14 119.07, Florida Statutes, is transferred, redesignated as
15 section 112.31891, Florida Statutes, and amended to read:

16 112.31891 Investigatory records.--

17 (1)(w)1. If certified pursuant to subsection (2)
18 ~~subparagraph 2.~~, an investigatory record of the Chief
19 Inspector General within the Executive Office of the Governor
20 or of the employee designated by an agency head as the agency
21 inspector general under s. 112.3189 is exempt from s.
22 119.07(1) ~~the provisions of subsection (1)~~ and s. 24(a), Art.
23 I of the State Constitution until the registration ceases to
24 be active, or a report detailing the investigation is provided
25 to the Governor or the agency head, or 60 days from the
26 inception of the investigation for which the record was made
27 or received, whichever first occurs. Investigatory records are
28 those records that ~~which~~ are related to the investigation of
29 an alleged, specific act or omission or other wrongdoing, with
30 respect to an identifiable person or group of persons, based
31 on information compiled by the Chief Inspector General or by

1 an agency inspector general, as named under the provisions of
2 s. 112.3189, in the course of an investigation. An
3 investigation is active if it is continuing with a reasonable,
4 good faith anticipation of resolution and with reasonable
5 dispatch.

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

16 ~~(3)3-~~ ~~The provisions of This section does paragraph do~~
17 not apply to whistle-blower investigations conducted pursuant
18 to ~~the provisions of~~ ss. 112.3187, 112.3188, 112.3189, and
19 112.31895.

20 Section 39. Section 119.19, Florida Statutes, is
21 transferred, redesignated as section 27.7081, Florida
22 Statutes, and amended to read:

23 27.7081 ~~119.19~~ Capital postconviction public records
24 production.--

25 (1) As used in this section, the term "trial court"
26 means:

27 (a) The judge who entered the judgment and imposed the
28 sentence of death; or

29 (b) If a motion for postconviction relief in a capital
30 case has been filed and a different judge has already been
31

1 assigned to that motion, the judge who is assigned to rule on
2 that motion.

3 (2) The Secretary of State shall establish and
4 maintain a records repository for the purpose of archiving
5 capital postconviction public records as provided for in this
6 section.

7 (3)(a) Upon imposition of a death sentence or upon the
8 effective date of this act with respect to any case in which a
9 death sentence has been imposed but the mandate has not yet
10 been issued in an appeal affirming the sentence, the
11 prosecuting attorney shall promptly provide written
12 notification to each law enforcement agency involved in the
13 case and to the Department of Corrections. If available, the
14 written notification must include the defendant's date of
15 birth, sex, race, and police-case numbers included in the
16 prosecuting attorney's case file.

17 (b) Within 60 days after receipt of notification, each
18 law enforcement agency involved in the case and the
19 prosecuting attorney who prosecuted the case shall copy, seal,
20 and deliver to the repository all public records, except for
21 those filed in the trial court, which were produced in the
22 investigation or prosecution of the case or, if the records
23 are confidential or exempt, to the clerk of the court in the
24 county in which the capital case was tried. Each agency shall
25 bear the costs of its own compliance.

26 (c) Within 60 days after notification, the Department
27 of Corrections shall copy, seal, and deliver to the repository
28 or, if the records are confidential or exempt, to the clerk of
29 the court in the county in which the capital case was tried
30 all public records determined by the department to be relevant
31 to the subject matter of a capital postconviction claim of the

1 person sentenced to death and where such production would not
2 be unduly burdensome for the department. The department shall
3 bear the costs.

4 (4)(a) The chief law enforcement officer of each law
5 enforcement agency that was involved in the case, whether
6 through an investigation, arrest, prosecution, or
7 incarceration, shall notify the Attorney General upon
8 compliance with subsection (3) and shall certify that to the
9 best of his or her knowledge and belief all public records in
10 possession of the agency or in possession of any employee of
11 the agency have been copied, indexed, and delivered to the
12 records repository or, if the records are confidential or
13 exempt, to the clerk of the court in the county in which the
14 capital case was tried as required by this section.

15 (b) The prosecuting attorney who prosecuted the case
16 shall provide written notification to the Attorney General
17 upon compliance with subsection (3) and shall certify that to
18 the best of his or her knowledge and belief all public records
19 in his or her possession have been copied, indexed, and
20 delivered to the records repository or, if the records are
21 confidential or exempt, to the clerk of the court in the
22 county in which the capital case was tried as required by this
23 section.

24 (c) The Secretary of Corrections shall provide written
25 notification to the Attorney General upon compliance with
26 paragraph (3)(c) and shall certify that to the best of his or
27 her knowledge and belief all public records in the
28 department's possession have been copied, indexed, and
29 delivered to the records repository or, if the records are
30 confidential or exempt, to the clerk of the court in the
31

1 county in which the capital case was tried as required by this
2 section.

3 (5)(a) Within 60 days after the imposition of a death
4 sentence or upon the effective date of this act with respect
5 to any case in which a death sentence has been imposed but the
6 mandate has not yet been issued in an appeal affirming the
7 sentence, both the public defender or private counsel for the
8 defendant and the prosecuting attorney involved in the case
9 shall provide written notification to the Attorney General of
10 the name and address of any person or agency in addition to
11 those persons and agencies listed in subsection (3) which may
12 have information pertinent to the case unless previously
13 provided to the capital collateral regional counsel or
14 postconviction private counsel. The Attorney General shall
15 promptly provide written notification to each identified
16 person or agency after receiving the information from the
17 public defender, private counsel for the defendant, or
18 prosecuting attorney and shall request that all public records
19 in the possession of the person or agency which pertain to the
20 case be copied, sealed, and delivered to the records
21 repository.

22 (b) Within 60 days after receiving a request for
23 public records under paragraph (a), the person or agency shall
24 provide written notification to the Attorney General of
25 compliance with this subsection and shall certify that to the
26 best of his or her knowledge and belief all public records
27 requested have been copied, indexed, and delivered to the
28 records repository or, if the records are confidential or
29 exempt, to the clerk of the court in the county in which the
30 capital case was tried.

31

1 (6)(a) Any public record under this section which is
2 confidential or exempt from the requirements of s. 119.07(1)
3 and s. 24(a), Art. I of the State Constitution must be
4 separately boxed, without being redacted, and sealed. The box
5 must be delivered to the clerk of court in the county in which
6 the capital case was tried. The outside of the box must
7 clearly identify the public records as exempt, and the seal
8 may not be broken without an order of the trial court. The
9 outside of the box must identify the nature of the public
10 records and the legal basis under which the public records are
11 exempt.

12 (b) Such a box may be opened only for an inspection by
13 the trial court in camera and only after notice giving the
14 agency the option to have a representative present at the
15 unsealing by the court.

16 (7)(a) Within 180 days after a capital collateral
17 regional counsel or private counsel is appointed to represent
18 a defendant sentenced to death, or within 30 days after
19 issuance of the Florida Supreme Court's mandate affirming a
20 death sentence, whichever is later, the regional counsel,
21 private counsel, or other counsel who is a member of The
22 Florida Bar and is authorized by such counsel representing a
23 defendant may send a written demand for additional public
24 records to each person or agency submitting public records
25 under subsection (3) and to each person or agency identified
26 as having information pertinent to the case under subsection
27 (5). Should the written demand include requests for records
28 associated with particular named individuals, the written
29 demand shall also include a brief statement describing each
30 named person's role in the case and relationship to the
31 defendant. Race, sex, and date of birth shall also be included

1 | in the demand if the public defender, private counsel, or
2 | capital collateral regional counsel has such information. Each
3 | person or agency notified under this subsection shall, within
4 | 60 days after receipt of the written demand, deliver to the
5 | records repository or, if the records are confidential or
6 | exempt, to the clerk of the court in the county in which the
7 | capital case was tried any additional public records in the
8 | possession of the person or agency which pertain to the case
9 | and shall certify that to the best of his or her knowledge and
10 | belief all additional public records have been delivered or,
11 | if no additional public records are found, shall recertify
12 | that the public records previously delivered are complete.

13 | (b) Within 25 days after receiving the written demand,
14 | the agency or person may file an objection in the trial court
15 | alleging that the request is overly broad or unduly
16 | burdensome. Within 30 days after the filing of an objection,
17 | the trial court shall hold a hearing and order an agency or
18 | person to produce additional public records if it finds each
19 | of the following:

20 | 1. The regional counsel or private counsel has made a
21 | timely and diligent search as provided in this section.

22 | 2. The regional or private counsel's written demand
23 | identifies, with specificity, those additional public records
24 | that are not at the repository.

25 | 3. The additional public records sought are relevant
26 | to the subject matter of a capital postconviction relief or
27 | appear reasonably calculated to lead to the discovery of
28 | admissible evidence in prosecuting such claim.

29 | 4. The additional public records request is not
30 | overbroad or unduly burdensome.

31 |

1 (c) This statute shall not be a basis for renewing
2 requests that have been initiated previously or for
3 relitigating issues pertaining to production of public records
4 upon which a court has ruled.

5 (d) If, on October 1, 1998, the defendant had a Rule
6 3.850 motion denied and no Rule 3.850 motion was pending, no
7 additional requests shall be made by capital collateral
8 regional counsel or contracted private counsel until a death
9 warrant is signed by the Governor and an execution is
10 scheduled. Within 10 days of the signing of the death warrant,
11 capital collateral regional counsel or contracted private
12 counsel may request of a person or agency that the defendant
13 has previously requested to produce records any records
14 previously requested to which no objection was raised or
15 sustained, but which the agency has received or produced since
16 the previous request or which for any reason the agency has in
17 its possession and did not produce within 10 days of the
18 receipt of the previous notice or such shorter time period
19 ordered by the court to comply with the time for the scheduled
20 execution. The person or agency shall produce the record or
21 shall file in the trial court an affidavit stating that it
22 does not have the requested record or that the record has been
23 produced previously.

24 (8)(a) After production of additional public records
25 or recertification as provided in subsection (7), the regional
26 counsel or the private counsel is prohibited from making any
27 further public records requests under this chapter. An agency
28 is not required to produce additional public records except by
29 court order as provided in this subsection.

30 (b) In order to obtain additional public records
31 beyond those provided under subsection (7), the regional

1 | counsel, private counsel, or other counsel who is a member of
2 | The Florida Bar and is authorized by the regional counsel or
3 | private counsel shall file an affidavit in the trial court
4 | which attests that he or she has made a timely and diligent
5 | search of the records repository and specifically identifies
6 | those additional public records that are not at the repository
7 | and are relevant to the subject matter of a capital
8 | postconviction claim or are reasonably calculated to lead to
9 | the discovery of admissible evidence in the prosecution of
10 | such claim. The affiant shall provide a copy of the affidavit
11 | to all affected agencies upon the filing of such affidavit in
12 | the trial court.

13 | (c) Within 15 days after the filing of an affidavit,
14 | the trial court shall order an agency to produce additional
15 | public records only if it finds each of the following:

16 | 1. The regional counsel or private counsel has made a
17 | timely and diligent search as provided in this section.

18 | 2. The regional or private counsel's affidavit
19 | identifies, with specificity, those additional public records
20 | that are not at the repository.

21 | 3. The additional public records sought are relevant
22 | to the subject matter of a claim for capital postconviction
23 | relief or appear reasonably calculated to lead to the
24 | discovery of admissible evidence in prosecuting such claim.

25 | 4. The additional public records request is not
26 | overbroad or unduly burdensome.

27 | (9) The Secretary of State shall provide the
28 | personnel, supplies, and any necessary equipment used by the
29 | capital collateral regional counsel or private counsel to copy
30 | records held at the records repository.
31 |

1 (10) The trial court shall resolve any dispute that
2 arises under this section, unless the appellate court has
3 exclusive jurisdiction.

4 (11) The capital collateral regional counsel or
5 private counsel shall not solicit another person to make a
6 request for public records on behalf of the regional counsel
7 or private counsel. The trial court shall impose appropriate
8 sanctions against any regional counsel or private counsel
9 found in violation of this subsection.

10 (12) Sixty days after a capital sentence is carried
11 out, 60 days after a defendant is released from incarceration
12 following the granting of a pardon or reversal of the
13 sentence, or 60 days after the defendant has been resentenced
14 to a term of years, the Attorney General shall provide written
15 notification to the Secretary of State, who may then destroy
16 the records held by the records repository which pertain to
17 that case.

18 (13) This section pertains only to the production of
19 records for capital postconviction defendants and does not
20 change or alter any time limitations provided by law governing
21 capital postconviction claims and actions. Furthermore, this
22 section does not affect, expand, or limit the production of
23 public records for any purposes other than use in a capital
24 postconviction proceeding. Nothing in this section constitutes
25 grounds to expand the time limitations or allow any pleading
26 in violation of chapter 924 or to stay an execution or death
27 warrant.

28 Section 40. Subsection (3) of section 27.708, Florida
29 Statutes, is amended to read:

30 27.708 Access to prisoners; compliance with the
31 Florida Rules of Criminal Procedure; records requests.--

1 (3) Except as provided in s. 27.7081 ~~119.19~~, the
2 capital collateral regional counsel or contracted private
3 counsel shall not make any public records request on behalf of
4 his or her client.

5 Section 41. Paragraph (d) of subsection (1) of section
6 101.5607, Florida Statutes, is amended to read:

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

9 (1)

10 (d) Section 119.071(1)(f) ~~119.07(6)(e)~~ applies to all
11 software on file with the Department of State.

12 Section 42. Paragraph (b) of subsection (2) of section
13 112.533, Florida Statutes, is amended to read:

14 112.533 Receipt and processing of complaints.--

15 (2)

16 (b) This subsection does not apply to any public
17 record which is exempt from public disclosure pursuant to
18 chapter 119 s. 119.07(6). For the purposes of this subsection,
19 an investigation shall be considered active as long as it is
20 continuing with a reasonable, good faith anticipation that an
21 administrative finding will be made in the foreseeable future.
22 An investigation shall be presumed to be inactive if no
23 finding is made within 45 days after the complaint is filed.

24 Section 43. Paragraph (c) of subsection (3) of section
25 119.011, Florida Statutes, is amended to read:

26 119.011 Definitions.--As used in this chapter, the
27 term:

28 (3)

29 (c) "Criminal intelligence information" and "criminal
30 investigative information" shall not include:

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

3 2. The name, sex, age, and address of a person
4 arrested or of the victim of a crime except as provided in s.
5 119.071(2)(h) ~~119.07(6)(f)~~.

6 3. The time, date, and location of the incident and of
7 the arrest.

8 4. The crime charged.

9 5. Documents given or required by law or agency rule
10 to be given to the person arrested, except as provided in s.
11 119.071(2)(h) ~~119.07(6)(f)~~, and, except that the court in a
12 criminal case may order that certain information required by
13 law or agency rule to be given to the person arrested be
14 maintained in a confidential manner and exempt from the
15 provisions of s. 119.07(1) until released at trial if it is
16 found that the release of such information would:

17 a. Be defamatory to the good name of a victim or
18 witness or would jeopardize the safety of such victim or
19 witness; and

20 b. Impair the ability of a state attorney to locate or
21 prosecute a codefendant.

22 6. Informations and indictments except as provided in
23 s. 905.26.

24 Section 44. Section 286.0113, Florida Statutes, is
25 amended to read:

26 286.0113 General exemptions from public
27 meetings.--Those portions of any meeting which would reveal a
28 security system plan or portion thereof made confidential and
29 exempt by s. 119.071(3)(a) ~~(1)~~ are exempt from the provisions
30 of s. 286.011 and s. 24(b), Art. I of the State Constitution.
31 This section is subject to the Open Government Sunset Review

1 Act ~~of 1995~~, in accordance with s. 119.15, and shall stand
2 repealed on October 2, 2006, unless reviewed and saved from
3 repeal through reenactment by the Legislature.

4 Section 45. Paragraph (h) of subsection (2) of section
5 287.0943, Florida Statutes, is amended to read:

6 287.0943 Certification of minority business
7 enterprises.--

8 (2)

9 (h) The certification procedures should allow an
10 applicant seeking certification to designate on the
11 application form the information the applicant considers to be
12 proprietary, confidential business information. As used in
13 this paragraph, "proprietary, confidential business
14 information" includes, but is not limited to, any information
15 that would be exempt from public inspection pursuant to the
16 provisions of chapter 119 ~~s. 119.07(6)~~; trade secrets;
17 internal auditing controls and reports; contract costs; or
18 other information the disclosure of which would injure the
19 affected party in the marketplace or otherwise violate s.
20 286.041. The executor in receipt of the application shall
21 issue written and final notice of any information for which
22 noninspection is requested but not provided for by law.

23 Section 46. Subsection (1) of section 320.05, Florida
24 Statutes, is amended to read:

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

27 (1) Except as provided in chapter 119 ~~ss. 119.07(6)~~
28 and 320.025(3), the department may release records as provided
29 in this section.

30 Section 47. Subsection (8) of section 322.20, Florida
31 Statutes, is amended to read:

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

3 (8) Except as provided in chapter 119 ~~s. 119.07(6)~~,
4 the department may release records as provided in this
5 section.

6 Section 48. Paragraph (b) of subsection (2) of section
7 338.223, Florida Statutes, is amended to read:

8 338.223 Proposed turnpike projects.--

9 (2)

10 (b) In accordance with the legislative intent
11 expressed in s. 337.273, and after the requirements of
12 paragraph (1)(c) have been met, the department may acquire
13 lands and property before making a final determination of the
14 economic feasibility of a project. The requirements of
15 paragraph (1)(c) do not apply to hardship and protective
16 purchases of advance right-of-way by the department. The cost
17 of advance acquisition of right-of-way may be paid from bonds
18 issued under s. 337.276 or from turnpike revenues. For
19 purposes of this paragraph, the term "hardship purchase" means
20 purchase from a property owner of a residential dwelling of
21 not more than four units who is at a disadvantage due to
22 health impairment, job loss, or significant loss of rental
23 income. For purposes of this paragraph, the term "protective
24 purchase" means that a purchase to limit development,
25 building, or other intensification of land uses within the
26 area right-of-way is needed for transportation facilities. The
27 department shall give written notice to the Department of
28 Environmental Protection 30 days before final agency
29 acceptance as set forth in s. 119.0711(2) ~~119.07(6)(n)~~, which
30 notice shall allow the Department of Environmental Protection
31 to comment. Hardship and protective purchases of right-of-way

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

9 Section 49. Subsection (5) of section 401.27, Florida
10 Statutes, is amended to read:

11 401.27 Personnel; standards and certification.--

12 (5) The certification examination must be offered
13 monthly. The department shall issue an examination admission
14 notice to the applicant advising him or her of the time and
15 place of the examination for which he or she is scheduled.
16 Individuals achieving a passing score on the certification
17 examination may be issued a temporary certificate with their
18 examination grade report. The department must issue an
19 original certification within 45 days after the examination.
20 Examination questions and answers are not subject to discovery
21 but may be introduced into evidence and considered only in
22 camera in any administrative proceeding under chapter 120. If
23 an administrative hearing is held, the department shall
24 provide challenged examination questions and answers to the
25 administrative law judge. The department shall establish by
26 rule the procedure by which an applicant, and the applicant's
27 attorney, may review examination questions and answers in
28 accordance with s. 119.071(1)(a) ~~119.07(6)(a)~~.

29 Section 50. Section 409.2577, Florida Statutes, is
30 amended to read:

31

1 409.2577 Parent locator service.--The department shall
2 establish a parent locator service to assist in locating
3 parents who have deserted their children and other persons
4 liable for support of dependent children. The department shall
5 use all sources of information available, including the
6 Federal Parent Locator Service, and may request and shall
7 receive information from the records of any person or the
8 state or any of its political subdivisions or any officer
9 thereof. Any agency as defined in s. 120.52, any political
10 subdivision, and any other person shall, upon request, provide
11 the department any information relating to location, salary,
12 insurance, social security, income tax, and employment history
13 necessary to locate parents who owe or potentially owe a duty
14 of support pursuant to Title IV-D of the Social Security Act.
15 This provision shall expressly take precedence over any other
16 statutory nondisclosure provision which limits the ability of
17 an agency to disclose such information, except that law
18 enforcement information as provided in s. 119.071(4)(d)
19 ~~119.07(6)(i)~~ is not required to be disclosed, and except that
20 confidential taxpayer information possessed by the Department
21 of Revenue shall be disclosed only to the extent authorized in
22 s. 213.053(15). Nothing in this section requires the
23 disclosure of information if such disclosure is prohibited by
24 federal law. Information gathered or used by the parent
25 locator service is confidential and exempt from the provisions
26 of s. 119.07(1). Additionally, the department is authorized to
27 collect any additional information directly bearing on the
28 identity and whereabouts of a person owing or asserted to be
29 owing an obligation of support for a dependent child. The
30 department shall, upon request, make information available
31 only to public officials and agencies of this state; political

1 subdivisions of this state, including any agency thereof
2 providing child support enforcement services to non-Title IV-D
3 clients; the custodial parent, legal guardian, attorney, or
4 agent of the child; and other states seeking to locate parents
5 who have deserted their children and other persons liable for
6 support of dependents, for the sole purpose of establishing,
7 modifying, or enforcing their liability for support, and shall
8 make such information available to the Department of Children
9 and Family Services for the purpose of diligent search
10 activities pursuant to chapter 39. If the department has
11 reasonable evidence of domestic violence or child abuse and
12 the disclosure of information could be harmful to the
13 custodial parent or the child of such parent, the child
14 support program director or designee shall notify the
15 Department of Children and Family Services and the Secretary
16 of the United States Department of Health and Human Services
17 of this evidence. Such evidence is sufficient grounds for the
18 department to disapprove an application for location services.

19 Section 51. Subsection (1) of section 633.527, Florida
20 Statutes, is amended to read:

21 633.527 Records concerning applicant; extent of
22 confidentiality.--

23 (1) Test material is made confidential by s.
24 119.071(1)(a) ~~119.07(6)(a)~~. An applicant may waive in writing
25 the confidentiality of his or her examination answer sheet for
26 the purpose of discussion with the State Fire Marshal or his
27 or her staff.

28 Section 52. Subsection (1) of section 794.024, Florida
29 Statutes, is amended to read:

30 794.024 Unlawful to disclose identifying
31 information.--

1 (1) A public employee or officer who has access to the
2 photograph, name, or address of a person who is alleged to be
3 the victim of an offense described in this chapter, chapter
4 800, s. 827.03, s. 827.04, or s. 827.071 may not willfully and
5 knowingly disclose it to a person who is not assisting in the
6 investigation or prosecution of the alleged offense or to any
7 person other than the defendant, the defendant's attorney, a
8 person specified in an order entered by the court having
9 jurisdiction of the alleged offense, or organizations
10 authorized to receive such information made exempt by s.
11 119.071(2)(h) ~~119.07(6)(f)~~, or to a rape crisis center or
12 sexual assault counselor, as defined in s. 90.5035(1)(b), who
13 will be offering services to the victim.

14 Section 53. Paragraph (b) of subsection (8) of section
15 1007.35, Florida Statutes, is amended to read:

16 1007.35 Florida Partnership for Minority and
17 Underrepresented Student Achievement.--

18 (8)

19 (b) The department shall contribute to the evaluation
20 process by providing access, consistent with s. 119.071(5)(a)
21 ~~119.0721~~, to student and teacher information necessary to
22 match against databases containing teacher professional
23 development data and databases containing assessment data for
24 the PSAT/NMSQT, SAT, AP, and other appropriate measures. The
25 department shall also provide student-level data on student
26 progress from middle school through high school and into
27 college and the workforce, if available, in order to support
28 longitudinal studies. The partnership shall analyze and report
29 student performance data in a manner that protects the rights
30 of students and parents as required in 20 U.S.C. s. 1232g and
31 s. 1002.22.

1 Section 54. This act shall take effect October 1,
2 2005.

3
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill 1144

7 Changes organizational structure of exemptions.

8 Changes topical headings and subheadings.

9 Requires consideration, during the Open Government Sunset
10 Review of an exemption, whether other exemptions protect the
11 same type of information and whether a uniform exemption would
12 be appropriate.
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